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Washington, Saturday, June 5, 1943

The President

EXECUTIVE ORDER 9348

AMENDING SECTION 9 OF EXECUTIVE ORDER NO. 8588 ENTITLED "PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF EXPENSES OF TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS OF CERTAIN CIVILIAN OFFICERS AND EMPLOYEES OF THE UNITED STATES"¹

By virtue of the authority vested in me by the act of October 10, 1940, 54 Stat. 1105, it is hereby ordered as follows:

1. Section 9 of Executive Order No. 8588 of November 7, 1940, is amended to read as follows:

"Sec. 9. *Items not allowable.* For the purposes of these regulations household goods and other personal effects shall not include groceries, provisions, wines, liquors, animals not necessary in the performance of official duties, birds, or automobiles: *Provided*, That during the period of Government rationing of foods, groceries and provisions may be included and be transported within the weight limitations established by these regulations."

2. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
June 3, 1943.

[F. R. Doc. 43-9023; Filed, June 3, 1943; 2:31 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-12]

PART 701—AGRICULTURAL CONSERVATION PROGRAM²

WAR CROP AND PRODUCTION GOALS

Pursuant to the authority vested in the Secretary of Agriculture under sec-

¹ 5 F.R. 4448.

² Subpart E, 1943.

tions 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.402 is amended to read as follows:

§ 701.402 *War crop goals and production goals*—(a) *War crops.* In any area war crops shall be the crops and land uses designated by the Agricultural Adjustment Agency for which the 1943 goal is substantially greater than the production which would otherwise be expected under war conditions.

(b) *Farm goals.* Farm war crop goals and production goals shall be determined by the county committee with the assistance of local committees in accordance with instructions issued by the Agricultural Adjustment Agency on the basis of adaptability of soil, availability of cropland, equipment, labor, and the acreage and production of each crop on the farm during recent years, and other related factors.

If farm goals for hay and pasture crops or farm goals for vegetable crops for processing are determined, the farm goals for hay and pasture crops should, where practicable, be large enough to afford adequate forage for the livestock enterprise planned for the farm, and the farm goals for vegetable crops for processing should be large enough to fully utilize the processing facilities available to the farmers in the locality.

Also farm production goals shall be determined for commercial truck crops grown for fresh consumption. The truck crop goal shall include the acreage of carrots, snap beans, lima beans, table beets, tomatoes, cabbage, onions, green peas, and the acreage upon which two or more other vegetable crops (excluding watermelons cantaloupes, and cucumbers) are grown in succession between February 1, 1943, and September 1, 1943.

2. Section 701.403 (b) is amended to read as follows:

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§ 701.403 Production adjustment allowance and deductions. * * *

(b) Deduction for failure to achieve 90 percent of the sum of the war crop goals. Except in areas designated by the Agricultural Adjustment Agency as being areas not subject to war crop deductions, a deduction of \$15.00 will be made for each acre by which the sum of the acreage planted to war crops is less than 90 percent of the sum of the farm war crop goals if the county committee finds that planting was not affected by abnormal weather conditions. The deduction shall be made only from the farm production adjustment allowance. On any farm on which the county committee determines that the war crop goal for grain sorghums cannot be met without using an acreage of protected summer fallow or without destroying a stand of volunteer wheat which is likely to produce a substantial quantity of grain, an acreage of volunteer wheat not in excess of the difference between the acreage planted to grain sorghums and the farm grain sorghum goal may be substituted acre for acre for grain sorghums in meeting the farm grain sorghum goal.

3. Section 701.415 (e) (10) is amended to read as follows:

§ 701.415 Definitions. * * *

(c) Miscellaneous. * * *

(10) Special crop means corn, cotton, wheat, tobacco, or rice.

4. Section 701.416 (c) is amended by deleting the reference therein to § 701.407 and substituting therefor § 701.408.

Done at Washington, D. C., this 3d day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9025; Filed, June 3, 1943; 4:46 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 275]

PART 292—CLASSIFICATION AND EXEMPTIONS

OMISSION OF JUNCTION POINT STOPS IN UNFAVORABLE WEATHER

At a session of the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of May, 1943.

It appearing to the Board that air carriers are not authorized to engage in air transportation between points on different certificated routes without stopping at the junction points of such routes; that therefore the existence of unfavorable weather conditions at any such junction point frequently requires cancellation or postponement of flights regularly scheduled to be operated between points on such different routes through such junction point although weather conditions beyond the junction point may be satisfactory for air carrier operations; and that such cancellations or postponements for such reasons disrupt the regularity of schedules and full utilization of equipment, impair the service, and are disadvantageous to the public and to the operations of the carrier;

The Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 416 (b), and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, and finding that the enforcement of the provisions of section 401 (a) of the Act, in so far as they prevent air carriers from conducting operations as herein-after authorized, is an undue burden upon such air carriers by reason of the unusual circumstances affecting the operations of such air carriers, and is not in the public interest, hereby makes and promulgates the following regulation, effective June 1, 1943:

§ 292.3 Exemption from provisions of section 401 (a) of the Act as to flights regularly scheduled between points on two or more routes. Notwithstanding the provisions of section 401 (a) of the Act, an air carrier on any flight which is regularly scheduled to be operated between points on two or more of its certificated routes, via a junction point of such routes, may omit a stop at such junction point whenever weather condi-

tions at such junction point otherwise would require the cancellation or postponement of any portion of such flight.

(Sec. 416, 52 Stat. 1004; 49 U.S.C. 496)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-9062; Filed, June 4, 1943;
11:43 a. m.]

TITLE 25—INDIAN AFFAIRS

Chapter I—Office of Indian Affairs

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

APPROVAL BY COMMISSIONER OF INDIAN AFFAIRS AND RESERVATION SUPERINTENDENTS

MAY 11, 1943.

The following undesignated paragraph is added to § 171.13 *Organized tribes*:

In all cases of organized tribes where provision is contained in their constitution or charter dealing with agricultural, grazing or business leases or permits which require that such leases or permits "must be approved by the Secretary of the Interior or his duly authorized representative," the respective superintendents of the several reservations on which organized tribes reside are hereby designated as "the duly authorized representative of the Secretary of the Interior" to approve all such leases or permits where the annual rental does not exceed \$1,000. In all such cases where the annual rental is more than \$1,000 but does not exceed \$5,000, such leases or permits may be approved by the Commissioner of Indian Affairs who is hereby designated to approve same as "the duly authorized representative of the Secretary of the Interior."

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-9047; Filed, June 4, 1943;
9:39 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

ADJUSTMENTS IN WAGE RATES OF INDIVIDUAL EMPLOYEES

General Order No. 5 as adopted on October 14, 1942, is hereby amended to read as follows:

§ 803.5 *General Order No. 5.* Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or are incident to an established or approved wage rate schedule, covering the work assignments of employees, and are made as a result of:

(a) Individual promotions or reclassifications;

(b) Individual merit increases within established rate ranges;

(c) Operation of an established plan of wage increases based upon length of service within established rate ranges;

(d) Increased productivity under piece-work or incentive plans;

(e) Operation of an apprentice or trainee system.

Wage adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(E.O. 9250, 7 F.R. 7871)

Adopted May 26, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-9002; Filed, June 3, 1943;
9:40 a. m.]

PART 803—GENERAL ORDERS

WAGE RATES FOR JOB CLASSIFICATION

General Order No. 6, as adopted on October 20, 1942, is hereby amended to read as follows:

§ 803.6 *General Order No. 6.* (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates or ranges of rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: *Provided, however,* That schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(E.O. 9250, 7 F.R. 7871)

Adopted May 26, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-9003; Filed, June 3, 1943;
9:40 a. m.]

PART 803—GENERAL ORDERS

SALARY INCREASES NOT REQUIRING BOARD APPROVAL

General Order No. 9, as adopted on October 30, 1942, is hereby amended so that paragraph (c) shall read as follows:

§ 803.9 *General Order 9.* * * *

(c) *Salary increases which do not require board approval.* Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or are incident to an established or approved salary rate schedule, and are made as a result of:

(1) Individual promotions or reclassifications.

17 F.R. 8981.

(2) Individual merit increases within established rate ranges.

(3) Operation of an established plan of salary increases based on length of service within established rate ranges.

(4) Increased productivity under incentive plans.

(5) Operation of an apprentice or trainee system, or

(6) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(E.O. 9250, 7 F.R. 7871)

Adopted May 26, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-9004; Filed, June 3, 1943;
9:40 a. m.]

PART 803—GENERAL ORDERS

SCHEDULES

§ 803.31 *General Order 31.* The following regulations supplementary to General Orders 5, 6 and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

1. *Established Schedules within the meaning of General Orders 5 and 9.*

A. *Definitions and criteria.*

1. *Specific criteria for all established schedules.*

A "schedule" involves job-classification rates or rate ranges and a plan for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

(1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job classifications. Thus, individual minimum or maximum or within-grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A plan for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if:

(1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or

(2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or

(3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies; or

(4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

(a) *Merit increases.* (These increases may be made only within rate ranges.)

i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.

ii. No employee may receive more than two merit increases during any calendar year.

iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 percent of the average number of employees in a job classification may receive merit increases during any calendar year.

iv. No merit increase may exceed 33½ percent of the difference between the minimum and maximum rates of the appropriate range.

(b) *Automatic length of service increases.* (These increases may be made only within rate ranges.)

i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

ii. Frequency of adjustment may not exceed four times in any calendar year.

iii. Amount of adjustment may not exceed 25 percent of the difference between the minimum and maximum rates of the appropriate range.

(c) *Promotions or reclassifications.* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges.)

i. These are individual adjustments which result from moving an employee into a different job classification.

ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 percent above his rate on his former job or the minimum rate for the new job, whichever is higher; *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

(d) *Apprentice or trainee system.* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainees who are employed under a bona-fide apprentice or trainee plan as defined below.

ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journeyman wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iv. Nothing in this section precludes the re-examination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort.

2. *General criteria for all established schedules.*

a. Each job classification must be clearly defined and described.

b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.

c. No appreciable increase in the level of production costs may result from individual rate adjustments.

B. *Records.*

Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the

following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.

2. The description of each job classification.

3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.

4. The date when the schedule was established.

5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.

6. With respect to each employee who received an adjustment:

a. Name of employee.

b. Date on which employee was hired.

c. For each adjustment given to the employee:

(1) Date of adjustment.

(2) Job classification prior to and after the adjustment.

(3) Rate of pay prior to and after the adjustment.

(4) Reason for adjustment.

No particular order or form is prescribed for these records, provided that the information required is easily obtainable.

II. *New Schedules.*

A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.

B. *Requirements for obtaining approval.*

1. *Rate ranges* (where ranges are desired for the purpose of making individual merit or length-of-service increases).

a. *Existing establishments.*

(1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; *Provided, however,* That in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

b. *New establishments or new departments in existing establishments.*

(1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

(2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.

2. *Single rates.* (Where single rates are desired for making promotions or reclassifications or for making individual rate adjustments under apprentice or trainee plans.)

a. *Existing establishments.*

(1) A reclassification of single rates for existing establishments may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

b. *New establishments or new departments in existing establishments.*

(1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

3. *Plans for making adjustments between rates or within and between rate ranges* (existing establishments or new establishments and departments).

A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (a) above.

a. *Merit increases.*

(1) The number of increases within the appropriate range to be given to any employee during the calendar year.

(2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.

(3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.

b. *Automatic length of service increases.*

(1) How frequently such increases are to be given during the calendar year.

(2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.

c. *Promotions or reclassifications.*

(1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).

(2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i. e. special skill and experience, other unusual qualifications, etc.).

d. *Apprentice or trainee systems.*

(1) How does the plan conform to the standards set forth in appropriate collective bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

C. Any employer who makes individual wage or salary adjustments pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).

III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedule may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or re-approved.

IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point cannot be reached, the parties may jointly

submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submission, the matter will be treated as a dispute case.

V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.

VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted May 26, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-9001; Filed, June 3, 1943;
9:40 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

APPENDIX B¹

[Public Circular No. 22]

INSTRUCTIONS FOR PREPARATION OF REPORTS ON FORM TFR-500 RELATING TO PROPERTY IN FOREIGN COUNTRIES

JUNE 1, 1943.

Instructions for preparation of reports on Form TFR-500, relating to property in foreign countries (including property therein) in which on May 31, 1943, any person subject to the jurisdiction of the United States had an interest.

Sec.

- I. Introduction.
- II. General instructions.
- III. Instructions for Series A-I—Summary report by individuals.
- IV. Instructions for Series A-II—Summary report by organizations.
- V. Instructions for Series A-III—Summary report by executors or trustees.
- VI. Instructions for Series A-IV—Summary report by custodians or nominees.
- VII. Instructions for Series B—Detailed property report by jurisdictions.
- VIII. Property classes.
- IX. Valuation and location of property.
- X. Table of exchange rates and valuation dates.
- XI. Instructions for Series C—Report of interests in primary allied organizations.
- XII. Instructions for Series C Supplement—Report of interests in secondary allied organizations.

Section I—Introduction

A report on Form TFR-500 relating to property in foreign countries must, with

¹ Sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; sec. 3, Pub. Law 831, 77th Cong.; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941; Special Regulation No. 1, June 1, 1943.

certain exceptions, be filed by every person subject to the jurisdiction of the United States who had on May 31, 1943, any interest whatsoever, direct or indirect, in any property in a foreign country, including property, such as bonds, issued by such a country or any person therein. Any person allied with a foreign organization must also report on the form. The reports are prescribed by Special Regulation No. 1 of June 1, 1943 issued under Executive Order No. 8389, as amended, and Executive Order No. 9193.

Form TFR-500 has been issued in three series, designated as Series A, Series B, and Series C, respectively, and two of the series have further been divided into subseries, as indicated in the table of contents of this Circular. All persons reporting will use one or more subseries of Series A, together with Series B, but report on Series C is required only from persons allied with foreign organizations.

Instructions for the preparation of reports on Form TFR-500 are contained in this circular. Before preparing a report on any series of Form TFR-500, a person required to report should examine carefully not only the pertinent forms but also section II of this circular (general instructions), the appropriate one or more of sections III, IV, V, or VI (instructions for Series A), and section VII (instructions for Series B). In filling out certain parts of each series the reporter should also consult, as indicated by the detailed instructions for the respective series, section VIII (property classes), section IX (valuation and location of property), and section X (table of exchange rates and valuation dates).

Copies of Special Regulation No. 1, this circular, and all series of Form TFR-500, may be obtained from any Federal Reserve Bank, the Governor of any territory or possession of the United States, any United States consul, or the Secretary of the Treasury, Washington, D. C.

Attention is directed to the fact that Form TFR-500 is exempt from the provisions of the Federal Reports Act of 1942 (Public No. 831, 77th Cong.). Accordingly, approval of the form by the Bureau of the Budget is not required.

Section II—General Instructions

1. *Who must report*—A. *Basic requirement.* Pursuant to § 137.1 of Special Regulation No. 1, issued under Executive Order No. 8389, as amended, and Executive Order No. 9193, a report on Form TFR-500 is required to be filed by (1) every person subject to the jurisdiction of the United States having at the close of business on May 31, 1943, any interest whatsoever, direct or indirect, in any property in a foreign country on such date and by (2) every person subject to the jurisdiction of the United States with whom any foreign organization was allied on May 31, 1943.

B. *Report by one person of property belonging to another.* Except as provided concerning executors and trustees and custodians and nominees, no person is required to report property of another person. However, a person who so desires may file a report in behalf of another person who is (1) a citizen of the

United States in enemy or enemy-occupied territory or (2) a member of the armed forces of the United States serving outside the continental United States. Compare subsection 3B, below. Such reports should be made only by persons who are able to supply accurate information from knowledge or records in their possession or available to them. Report shall be made in the name of the property owner on the series which he would have used if he himself were reporting, but the affidavit shall be executed in the name of the person actually reporting.

C. *Estates and trusts.* Foreign property held in a domestic estate or trust, i.e., an estate or trust created under the laws of the United States or any subdivision thereof, shall be reported by the fiduciary and not by a beneficiary. Such property must be reported whether or not any beneficiary is subject to the jurisdiction of the United States. The term "domestic estate or trust" shall include any trust created by an instrument providing that the trust shall be subject to the laws of the United States or any subdivision thereof and also any trust actually created in the United States even though the trust instrument provides that the trust shall be subject to the laws of a foreign country.

Beneficiaries of a foreign estate or trust, when subject to the jurisdiction of the United States, must report their interests in the estate or trust, under property type 26, "Interests in estates and trusts," but should not report the assets of the estate or trust. Trustees of foreign estates and trusts who are within the United States need make no report concerning the property held in trust.

D. *Persons beneficially interested in property.* If property in a foreign country beneficially owned by a person subject to the jurisdiction of the United States was held by or in the name of another, only the person having the beneficial interest shall report, except as specially provided above regarding domestic estates and trusts. However, in case the beneficial owner of the property was not subject to the jurisdiction of the United States, the custodian or nominee shall report on Series A-IV, as required by section VI of this circular. These principles shall be applied to all reportable property, including bank accounts and other similar obligations, held in the name of a person in the United States as agent for another.

E. *More than one person beneficially interested in the same property.* Except as provided in subdivisions B and C above, when more than one person was beneficially interested in the same property in a foreign country, each person shall file a separate report. On each report, the whole item of property shall be described but only the value of the interest of the particular person reporting shall be entered in the valuation columns. The interest of the other person or persons involved shall be fully shown in the appropriate portion of the form. Special instructions on this subject are provided for custodians and nominees in section VI of this circular.

F. *Persons allied with foreign organizations*—(1) *Nature of reports required.*

² 8 F.R. 7438.

Persons allied with foreign organizations must make detailed reports on Series C and, in some cases, on Series C Supplement, and must furnish summary data on Series A and Series B. The information required on Series B, which is to be entered under Property Class A, relates only to the interest of the person reporting in the allied organization. Property of such an organization is not to be reported in any way on Series B, but only on Series C or Series C Supplement, as the case may be.

(2) *More than one person allied with a foreign organization.* Every person allied with any foreign organization is completely responsible for reports concerning the organization, even though other persons are also obliged to file reports. Each person must without exception furnish a reference on Series A concerning the organizations allied with him. However, sections XI and XII of this circular provide an optional method for the elimination of duplicating reports respecting allied foreign organizations.

A person whose only relationship with a foreign organization was as an affiliate of a person allied with the organization is not required to report the organization as an allied foreign organization. For example, if X was affiliated with Y, who was allied with foreign organization Z, but X did not control Z directly or indirectly and had no ownership interest in Z or in any of Z's obligations, X need not report with respect to Z.

G. *Branches, offices, and representatives of foreign persons.* A branch, office, or representative in the United States of a person within a foreign country shall report with respect to property in foreign countries allocated to, held for the use of, or claimed by, such branch, office, or representative, but shall not report other property of the foreign person, except as required on Series A-IV.

2. *Property to be reported—A. Basic requirement.* Report shall be made with respect to all property in a foreign country at the close of business on May 31, 1943, in which on said date the person reporting or any foreign organization then allied with him had any interest whatsoever, direct or indirect.

In general, property shall be deemed to have been in a foreign country at the close of business on May 31, 1943, if (1) in case of tangible property, it was located in a foreign country; (2) in case of other property, it was issued or created by, or constituted an obligation of, or was asserted to constitute an obligation of a foreign country or a person within a foreign country, regardless of where any evidence thereof was located; and (3) without limitation upon the foregoing, in case of currency and coin, securities, and negotiable instruments for the payment of money issued or created by the United States, or any agency or person therein, the property or evidence thereof, as the case may be, was located in a foreign country.

Detailed instructions concerning the location of property are provided by section IX of this circular.

B. *Property damaged, destroyed, or seized.* Property damaged, destroyed, or seized at any time between January 1,

1938, and May 31, 1943, as a result of war or a "scorched-earth" policy carried on by any country, or through any confiscatory action or duress by a country which on May 31, 1943, was at war with the United States or was occupied by a country at war with the United States, shall be reported if otherwise deemed to have been located in a foreign country on May 31, 1943: *Provided*, That no person shall report any property sold or otherwise disposed of or seized, confiscated, destroyed, or lost before such person became subject to the jurisdiction of the United States.

C. *Certain property not to be reported.*

(1) Report shall not be made concerning:

(a) *Repudiated currency and obligations*—i. e., repudiated currency, obligations payable only in terms of such currency, or governmental obligations which had themselves been repudiated, unless the repudiation occurred after January 1, 1938, but obligations which had merely been defaulted, without repudiation, shall be reported.

(b) *Claims relating to a United States branch of a foreign person*—i. e., claims or demands against a person within a foreign country for goods delivered, services rendered, or loans made, in the United States, to or for a branch, office, or representative, in the United States, of such foreign person, but any other claims against a foreign person shall be reported even if they have also been asserted against a domestic branch, office, or representative.

(2) Report need not be made concerning:

(a) *Personal furnishings and equipment*—Furnishings and equipment, including automobiles, held for the personal use of the person reporting, except as provided under property type 20, entitled "Jewelry and objects of art, for personal use";

(b) *Goods in transit*—i. e., goods and merchandise, machinery and equipment, and jewelry and objects of art for personal use, when in transit on May 31, 1943, but any such property stored or otherwise held in a foreign country either directly or through an agent, shall be reported.

D. *Statute of limitation.* For the purpose of reports on Form TFR-500, the running of the statute of limitation with respect to any claim against a person in any enemy or enemy-occupied country, or in territory with which the United States does not maintain postal communication, shall be deemed to have been suspended after the valuation date specified in section X of this circular. Claims barred by limitation shall not be reported, including claims against persons in a country or territory of the kind referred to above barred before the specified valuation date.

3. *Exemptions—A. Exemption based on value of property.* (1) Every person whose property in all foreign countries had an aggregate value less than \$10,000, as determined by the methods of valuation herein prescribed, is exempt from reporting any of such property except:

(a) All foreign bonds, regardless of value, payable by their terms in United States dollars, whether or not alternately

payable in another currency (included in property types 8, 9, and 10);

(b) All interests in allied foreign organizations, patent license agreements, trademark license agreements, franchises and concessions, and certain contracts, regardless of value (Property Classes A and I).

(2) Every person required to report is exempt from reporting property held in any one foreign country if the value of all his property therein, as determined by the methods of valuation herein prescribed, was less than \$1,000, except:

(a) All foreign bonds, regardless of value, payable by their terms in United States dollars, whether or not alternately payable in another currency (included in property types 8, 9, and 10);

(b) All interests in allied foreign organizations, patent license agreements, trademark license agreements, franchises and concessions, and certain contracts, regardless of value (Property Classes A and I).

If a foreign country is divided into more than one jurisdiction in the table appearing in section X of this circular, an exemption of \$1,000 may be applied to each jurisdiction separately.

(3) The value of any property for the purposes of these exemptions shall be the higher of "cost or face value" or "book, market, or estimated value," determined in accordance with section IX of this circular. In arriving at the value of property no deduction shall be made for offsets, liens, or other reductions from gross value.

B. *Certain persons exempted regardless of amount or kind of property.* Report need not be made by any person who is within any of the following categories on or after May 31, 1943, and who remains therein until August 31, 1943, regardless of the amount or kind of property otherwise reportable by such person: (1) citizens of the United States in enemy or enemy-occupied territory; (2) members of the armed forces of the United States serving outside the continental United States; (3) officers or employees of foreign governments and members of the immediate families of such persons, provided they are not citizens of the United States.

C. *Waiver of exemption.* Any person entitled to the benefits of an exemption may nevertheless file a report on Form TFR-500 if he so desires.

4. *Definitions.* For the purposes of Form TFR-500 and of this Circular and any instructions or rulings issued hereunder, the following definitions are prescribed:

A. "Person" shall include an individual, partnership, association, corporation, or other organization.

B. "Person subject to the jurisdiction of the United States" shall mean: (1) any citizen of the United States, whether in the United States or in a foreign country; (2) any corporation or other organization created or organized under the laws of the United States or any state, territory, district, or possession thereof; (3) any individual resident in the United States on May 31, 1943, including any individual continuously within the United States for three months next preceding that date,

whether or not claiming to be resident; (4) any person not otherwise subject to the jurisdiction of the United States, to the extent that on May 31, 1943, such person had any branch, office, or representative within the United States.

C. "Person within a foreign country" as to any particular foreign country shall include, but not by way of limitation: (1) Any individual resident in such foreign country, including a citizen of any other foreign country or of the United States; (2) any corporation or other organization organized under the laws of such foreign country; (3) any branch or office within such foreign country of a corporation or other organization organized under the laws of any other foreign country or of the United States; and (4) except when inappropriate, the government of the country and any subdivision, agency, or instrumentality thereof.

D. "United States" shall mean the United States and any territory or possession of the United States, except the Philippine Islands and Guam.

E. "Foreign country" shall be deemed to include, but not by way of limitation, the Philippine Islands and Guam.

F. "Foreign organization" shall mean any partnership, corporation, association, business trust, or other organization, created, organized, existing, or operating under the laws of or in a foreign country and shall include any foreign branch or office of an organization subject to the jurisdiction of the United States.

G. "Allied foreign organization", or "foreign organization allied with a person", shall mean any foreign organization which was controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, certificates, or other securities or obligations of which, or other ownership interest in which, was owned or controlled by, directly or indirectly, a person subject to the jurisdiction of the United States, or by such a person in conjunction with one or more of his affiliates subject to the jurisdiction of the United States. Without limitation of the foregoing, the term shall in any event include (1) any foreign organization of which 25 percent or more of the outstanding voting stock, shares, or other voting securities or comparable ownership interest therein, was owned or controlled, directly or indirectly, by such a person, or by such a person in conjunction with such affiliate or affiliates, and (2) any foreign partnership of which such a person was a partner, whether general, special, limited, or otherwise. The Secretary of the Treasury reserves the power to determine, in any case, that any person was or shall be deemed to have been an "allied foreign organization" within the meaning of this definition.

H. "Affiliate" shall mean (1) in relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, ten percent or more of the outstanding voting securities thereof, and (2) as to any other organization, any person who owned or controlled ten percent or more of the comparable owner-

ship rights therein. Any corporation or other organization of which a person was an affiliate also shall be deemed to have been an affiliate of such person, and all persons who were affiliates of the same person shall likewise be deemed to have been affiliates of each other. Notwithstanding the foregoing, persons shall not be deemed to have been affiliates of each other by reason only of their ownership or control of interests in or obligations of a foreign organization.

5. *Supporting evidence.* Except as special provisions to the contrary appear in this Circular and in Series C and Series C Supplement of Form TFR-500, it is not required that copies of documents or other evidence be submitted with respect to property reported. However, all such evidence should be carefully preserved.

6. *Space on form insufficient.* When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. To assist in fulfilling this requirement as applied to Part D of Series B, continuation sheets arranged in the same manner as Part D have been provided. All supplementary sheets, including continuation sheets, should be attached to the series to which they pertain.

7. *Required information not available.* Section 137.5 (a) of Special Regulation No. 1 provides in part:

All spaces in the report must be properly filled in. Reports not in proper form or lacking in essential details shall not be deemed to have been filed in compliance with the orders and this regulation.

In accordance with this provision, all reasonable efforts should be made to obtain information required for reporting. However, communication should not be sought with any enemy national, as defined by General Ruling No. 11, as amended, issued pursuant to sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, and the orders and regulations issued thereunder. When communication is impossible, the latest available information should be used. In case only partial information is available, it should be given with an appropriate indication. If any information not available at the time of reporting is obtained thereafter, a supplementary report must be filed promptly with a full explanation.

Every question on each series of Form TFR-500 which a person is required to use in rendering his report on the form must be answered. However, in property summaries and schedules, spaces not needed for supplying required information should be left entirely blank. When there is nothing to report under any question or if information is entirely lacking, state "no", "none", or "unknown", as the case may be, with an explanation if requisite to a complete understanding of the circumstances.

8. *Number of copies.* Reports on Form TFR-500 shall be filed in duplicate. In addition, each person reporting should retain a copy of his report.

9. *Time and place of filing reports—A. Persons within the United States.* Reports by persons within the United States

shall be filed on or before August 31, 1943, with the Federal Reserve Bank of the district or with the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency, or if such person has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco.

B. *Persons outside the United States.* Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before September 30, 1943, with the United States consul of the district wherein such person is then present.

C. A report received by the proper Federal Reserve Bank, Governor, or consul, in a correctly addressed and stamped envelope bearing a postmark of a time prior to midnight of the date upon which the report is due, shall be deemed to have been duly filed.

10. *Penalties.* Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, applicable hereto, provides in part:

* * * whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

11. *Information regarding preparation of reports.* Anyone desiring information as to whether or not he is required to make a report on Form TFR-500 may apply to any Federal Reserve Bank, the Governor of any territory or possession of the United States, or any United States consul.

12. *Reports on Form TFR-300.* Reports on Form TFR-500 shall be filed regardless of whether a report on Form TFR-300, relating to foreign-owned property in the United States, has previously been filed in respect of any property to be reported. In the case of foreign nationals who have entered the United States since October 31, 1941, attention is particularly directed to the provisions of Public Circular No. 4C, which requires such persons to report on Form TFR-300.

Section III—Instructions for Series A—I—Summary Report by Individuals

1. *Purpose of form.* Series A—I shall be used by individuals, including individuals engaged in business, to furnish summaries of their property reported on Series B and, when appropriate, Series C, together with certain information relating to each person reporting. Three other subseries of Series A have been provided, entitled respectively Series A—II, Series A—III, and Series A—IV, none of which is to be employed by an individual in reporting his own property.

2. *Part A; Question 3; Citizenship.* Persons considering themselves stateless must name the country of which they last were citizens and describe the cir-

cumstances by virtue of which they believe their citizenship ceased.

3. *Part B—A. Question 1; summary of property reported on Series B.* In answering this question do not enter the name of a jurisdiction concerning which only property in Class I "License agreements, franchises, and certain contracts," is reported on Series B.

If the space on the form is insufficient, attach a rider giving the required information concerning the jurisdictions which cannot be listed under the question, but state the total for all jurisdictions in the space provided on the form.

B. *Question 2; allied foreign organizations and other allied organizations.* For the purposes of this question, the term "other allied organization" shall mean any domestic organization which was controlled, directly or indirectly, by a foreign organization allied with the reporter, or with the reporter and his affiliates subject to the jurisdiction of the United States, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, or other ownership interest in which, was owned or controlled, directly or indirectly, by such a foreign organization.

4. *Affidavit—A. Necessity and manner of execution.* The affidavit must be signed and sworn (affirmed) to by the person reporting before an officer authorized to administer oaths, whose seal must be affixed. A report will not be accepted unless the affidavit is properly executed. The affidavit need be attested only on the original of the report, but the affidavit on the copy must be fully conformed, except as to the notarial seal.

B. *Number of affidavits.* The affidavit on Series A covers all reports on all series of Form TFR-500 with respect to the property of the person reporting.

Section IV—Instructions for Series A-II—Summary Report by Organizations

1. *Purpose of form.* Series A-II shall be used by corporations, associations, partnerships, business trusts, and other types of organizations to furnish summaries of their property reported on Series B, and when appropriate, Series C, together with certain information relating to each organization reporting. Three other subseries of Series A have been provided, entitled respectively Series A-I, Series A-III, and Series A-IV, none of which is to be employed by any organization in reporting its own property.

2. *Part A—A. Question 4; type of business.* Give a brief but definite description of the business of the reporter, including the principal products sold or services rendered, e. g., "Manufacturing electric irons," or "Commission merchants exporting hardware from the United States."

B. *Question 5; total gross assets.* The reporter should enter the combined total of its gross domestic and foreign assets, after deducting valuation reserves, as shown in its balance sheet as of May 31, 1943, or the close of the reporter's fiscal year ended next before that date. In the latter case the date shall be stated.

C. *Question 7; holders of securities.* In case record title to securities is held by

one person but another person is believed to be beneficial owner of the securities, the information called for by the question must be given concerning both persons and their relationship with respect to the securities must be indicated.

D. *Questions 7 and 8; exemption.* These questions need not be answered if either of the following conditions existed: (1) if both the "cost or face value" and the "book, market, or estimated value" of all foreign property of the organization on May 31, 1943 were less than ten percent of the corresponding values of its combined total gross assets; or (2) if securities of the organization were listed on a national securities exchange.

3. *Part B—A. Question 1; summary of property reported on Series B.* In answering this question do not enter the name of a jurisdiction concerning which only property in Class I "License agreements, franchises, and certain contracts," is report on Series B.

If the space on the form is insufficient, attach a rider giving the required information concerning the jurisdictions which cannot be listed under the question, but state the total for all jurisdictions in the space provided on the form.

B. *Question 2; allied foreign organizations and other allied organizations.* For the purposes of this question, the term "other allied organization" shall mean any domestic organization which was controlled, directly or indirectly, by a foreign organization allied with the reporter, or with the reporter and its affiliates subject to the jurisdiction of the United States, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, or other ownership interest in which was owned or controlled, directly or indirectly, by such a foreign organization.

C. *Question 3; consolidating financial statements—(1) General.* The consolidating financial statements required under this question should be accompanied by detailed schedules of consolidating elimination and adjustment entries showing the portion of each entry on the statements applicable to the accounts of each organization involved. Where a subsidiary of the reporter has customarily consolidated its own subsidiaries, the sub-consolidation should be shown in detailed consolidating financial statements accompanied by appropriate schedules of elimination and adjustment entries. All amounts must be given in United States dollars.

When the reporter so desires, it may substitute consolidating statements, with supporting entries, in which separate details are given only with regard to foreign subsidiaries. In such statements one column shall show the totals for domestic subsidiaries, and the detail of the entries submitted shall include total figures relating to such subsidiaries.

An organization relying upon the full report of another person as permitted by subsection 1D in section XI of this circular need file only its own consolidating statements if the other person submits all other statements required under this question.

(2) *Branches.* When the accounts attributable to foreign branches of the re-

porter are customarily combined with the reporter's accounts, combining statements expressed in United States dollars must be submitted in such form as to make full disclosure of the amounts pertaining to each branch as if it were an independent organization, and detailed schedules of the combining entries involved must be supplied.

(3) *Consolidation not ordinarily made.* Question 3 relates only to consolidations ordinarily made in the regular course of the business of the reporter and its subsidiaries. So far as any organization was not ordinarily consolidated, the question need not be answered. In the event the reporter ordinarily made no consolidations whatever, but was allied with one or more foreign organizations, a copy of the regularly prepared balance sheet and profit and loss and surplus statements of the reporter must be submitted instead of consolidating statements.

(4) *Consolidation with respect to particular organization discontinued.* If the accounts of a particular allied foreign organization were formerly consolidated, but because of war or other supervening necessity the consolidation was discontinued before the year for which balance sheets of the reporter are required, the most recent regularly prepared consolidating financial statements of the reporter should be supplied. In addition there shall be submitted a copy of the latest available balance sheet and the profit and loss and surplus statements of the allied foreign organization and detailed schedules of the elimination entries which were or should have been used in preparing the last balance sheet of the reporter in which the accounts of the organization were actually consolidated. No effort should be made to adjust the most recent consolidating balance sheets to reflect data obtained after the consolidation was discontinued.

4. *Affidavit—A. Necessity and manner of execution.* The affidavit must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. A report will not be accepted unless the affidavit is properly executed. The affidavit need be attested only on the original of the report, but the affidavit on the copy must be fully conformed, except as to the notarial seal.

B. *Who shall execute.* Affidavits on behalf of partnerships shall be executed by a partner, and those on behalf of business trusts shall be executed by a trustee. Affidavits on behalf of any other organization shall be executed by the president, a vice-president, the secretary, or some other principal officer authorized to make the report on behalf of the organization.

C. *Number of affidavits.* The affidavit on Series A covers all reports on all series of Form TFR-500 by any one organization with respect to its own property.

Section V—Instructions for Series A-III—Summary Report by Executors or Trustees

1. *Purpose of form—A. General.* Series A-III shall be used by executors, administrators, and trustees, by whatever title denominated, other than trus-

tees of business trusts, to furnish summaries of the property of estates or trusts reported on Series B, and when appropriate, Series C, together with certain information relating to each estate or trust and its beneficiaries. Report must be made whether or not any beneficiary is subject to the jurisdiction of the United States. A separate report must be rendered for every estate or trust. Three other subseries of Series A have been provided, entitled respectively Series A-I, Series A-II, and Series A-IV, none of which is to be employed in reporting the property of any estate or trust, other than a business trust.

B. Beneficiaries of estate and trusts. Beneficiaries of a domestic estate or trust are not required to report foreign property in which the estate or trust had an interest. Report of the property is to be made solely by the fiduciary of the estate or trust. Beneficiaries of a foreign estate or trust, when subject to the jurisdiction of the United States, must report their interests in the estate or trust, under property type 26, "Interests in estates and trusts," on Series B, together with the appropriate one of Series A-I or Series A-II, but should not report the assets of the estate or trust.

C. Trustees for bond issues. Trustees under indentures relating to the issuance of bonds or similar instruments need make no report on Form TFR-500, except as to property in a foreign country of which they had possession as a result of default.

2. Part A—A. Question 1; name of estate or trust. The name of the estate or trust shall be based upon the name of the decedent or settlor and not upon that of the fiduciary, e. g., "Estate of John Jones, deceased", "Trust under the will of John Jones", or "Trust created by deed of John Jones, dated August 16, 1921".

B. Question 4; total gross assets. Enter the combined total of the gross foreign and domestic assets, as shown on the books of the estate or trust on May 31, 1943, or the close of the fiscal year of the estate or trust ended next before that date. In the latter case, give the date. If the total is not readily available, an estimate based on the last trust accounting may be used, with an appropriate indication.

C. Question 7; beneficiaries. The description of the interest of each beneficiary should be given in summary form but should include all information essential to a clear understanding of the nature and extent of the interest.

D. Question 4 through 8; exemption. These questions need not be answered if both the "cost or face value" and the "book, market, or estimated value" of all foreign property of the trust or estate on May 31, 1943, were less than ten percent of the corresponding values of its combined total gross assets, or if both such values of the foreign assets were less than \$10,000, even though they exceeded ten percent of the total gross assets.

3. Part B—A. Question 1; summary of property reported on Series B. In answering this question do not enter the name of a jurisdiction concerning which only property in Class I, "License agree-

ments, franchises, and certain contracts," is reported on Series B.

If the space on the form is insufficient, attach a rider giving the required information concerning the jurisdictions which cannot be listed under the question, but state the total for all jurisdictions in the space provided on the form.

B. Question 2; allied foreign organizations and other allied organizations. For the purposes of this question, the term "other allied organization" shall mean any domestic organization which was controlled, directly or indirectly, by a foreign organization allied with the trust or estate, or with the trust or estate and its affiliates subject to the jurisdiction of the United States, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, or other ownership interest in which, was owned or controlled, directly or indirectly, by such a foreign organization.

5. Affidavit—A. Necessity and manner of execution. The affidavit must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. A report will not be accepted unless the affidavit is properly executed. The affidavit need be attested only on the original of the report, but the affidavit on the copy must be fully conformed except as to notarial seal.

B. Who shall execute. The affidavit shall be executed by the fiduciary of the estate or trust. If there is more than one fiduciary it is not required that each shall execute an affidavit. Nevertheless, liability for complete and correct reports rests equally on all fiduciaries, so that any fiduciary who does not himself join in making the report should ascertain that a complete and accurate report is being filed by a co-fiduciary.

C. Number of affidavits. The affidavit on Series A covers all reports on all series of Form TFR-500 with respect to the property of any one estate or trust.

Section VI—Instructions for Series A-IV—Summary Report by Custodians or Nominees

1. Purpose of form—A. General. Series A-IV shall be used by custodians and nominees within the United States to furnish summaries of property in foreign countries held by them or in their name for persons not subject to the jurisdiction of the United States. A separate report on this series must be filed with respect to each account involving such property. If an account was divided into sub-accounts, a separate report must be filed for each sub-account. When different persons had separate interests in specific parts of an account, a report must be rendered for each part, even though formal sub-accounts had not been established.

B. Custodians and nominees in foreign countries. No report on Series A-IV need be filed by any custodian or nominee within a foreign country, including a foreign branch of an organization created or organized under the laws of the United States or one of its subdivisions, but property, such as foreign securities, held abroad by or for the account of a

custodian or nominee in the United States shall be reported.

C. More than one person liable to report. When more than one person is liable to report the same property on Series A-IV, as, for example, when foreign securities registered in the name of a certain person as nominee are held in custody by another person for the account of a person not subject to the jurisdiction of the United States, only one of the first two persons need file a report, provided that all material information available to each such person obliged to report is included. All persons other than the one reporting remain fully liable for each report, including its completeness and correctness. Any such person, therefore, who does not himself report should ascertain that all required reports are being made and are complete and correct. If it is believed that duplicating reports are being filed, an appropriate indication should be made on each report. Notwithstanding the foregoing, the registered owner of foreign securities which were being circulated in the United States as registered in a "street name" need not report the securities, provided they were not in his possession on May 31, 1943.

D. Collection items. Banks need not report on Form TFR-500 property delivered to them solely for collection.

E. Series A-III. Persons holding property as trustees and not as custodians or nominees should report on Series A-III.

2. Instructions applicable to entire form. This section provides in the appropriate contexts special instructions for the preparation of reports on Series B by custodians and nominees. These instructions, which are additional to those appearing in section VII of this circular, should be examined carefully by every custodian or nominee required to report.

3. Part A—A. Question 1; name of account. The name stated in answer to this question shall be entered under question 1 in Part A of the accompanying report or reports on Series B. Under question 2 in Part A of Series B, the name and address of the custodian or nominee shall be stated.

B. Question 4; other persons interested. In view of this question, the person reporting may disregard question 1 in Part E of any accompanying report on Series B.

4. Part B; report number. The box containing the words "report number" in the upper right-hand corner of this part should be disregarded by any person filing less than five reports on Series A-IV. Persons filing five or more reports may employ a separate affidavit in accordance with the provisions of subsection 6 below. Every person who elects to use such an affidavit must insert in the box a consecutive number for each report, beginning with the number 1, and must state the numbers so inserted in the space provided in the special type of affidavit.

5. Part C—A. Question 1; summary of property reported on Series B—(1) General. In answering this question do not enter the name of a jurisdiction concerning which only property in Class I, "Li-

cense agreements, franchises, and certain contracts," is reported on Series B.

If the space on the form is insufficient, attach a rider giving the required information concerning the jurisdiction which cannot be listed under the question, but state the total for all jurisdictions in the space provided on the form.

(2) *Cost.* Cost of property in property types 11 and 12 need not be reported on Series B by custodians and nominees and when cost is required concerning other types of property it need be reported only if recorded on the books of the custodian or nominee relating to the particular account. Partial totals which result may be carried forward to Series A-IV without any indication on that series.

(3) *Date of acquisition.* Date of acquisition need not be given by custodians and nominees in reporting on Series B.

B. Reports on Series C not required. No reports on Series C are required in connection with a report on Series A-IV.

6. *Affidavit—A. Necessity and manner of execution.* Affidavits must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. Reports will not be accepted unless the required affidavits are properly executed. Affidavits need be attested only on the originals of reports, but affidavits on copies must be fully conformed except as to the notarial seal.

B. Who shall execute. Affidavits required of natural persons shall be executed by such persons themselves. Affidavits on behalf of partnerships shall be executed by a partner, and those on behalf of business trusts shall be executed by a trustee. Affidavits on behalf of any other organization shall be executed by the president, vice-president, secretary, or some other principal officer authorized to make the report on behalf of the organization.

C. Special affidavit for persons filing five or more reports. A special form of affidavit is provided for the use of persons filing five or more reports on Series A-IV. Any such person may use this form of affidavit but is not required to do so. When this affidavit is used, each report must be numbered in Part B in accordance with the provisions of subsection 4, above, and the numbers must be stated in the spaces provided in the affidavit. The information appearing on the affidavit under the heading "Name of person making report" must be exactly the same as that under Part B of Series A-IV.

Section VII—Instructions for Series B—Detailed Property Report by Jurisdictions

1. *Purpose of form.* Series B shall be used by all persons reporting on Form TFR-500 to report their property in foreign countries on May 31, 1943, by jurisdiction and by property type. A separate report on Series B must be submitted by each person reporting with relation to each jurisdiction in which he had any property required to be reported.

2. *Report number and jurisdiction—A. Number.* All reports on Series B submitted in conjunction with any one report on Series A must be numbered con-

secutively in the space provided in the upper right-hand corner of the form, beginning with the number 1.

B. Jurisdiction. Enter in this space the name of the foreign jurisdiction in which the property to be reported on the particular form was located, determined in accordance with the instructions concerning location of property given in section IX of this circular and the table of jurisdictions in section X, both of which must be followed strictly.

3. *Part A.* The name and address given in answer to this part must be exactly the same as that stated under questions 1 and 2 in Part A of the respective report on Series A.

4. *Part B—A. General.* This part requires the classification and valuation of the property located in each foreign jurisdiction in accordance with the instructions set out respectively by sections VIII and IX of this circular, which must be followed strictly.

B. Property of unascertainable value. When the value of an item of property cannot be ascertained, enter "Unascertainable" under the appropriate property type in this part and describe the property in Part D in accordance with Instruction 6 below. If property of ascertainable value and property of unascertainable value are both to be reported under one property type in this part, the ascertainable value should be entered under the property type without indication of the property having unascertainable value, but descriptions of all the items should be given in Part D.

C. More than one person beneficially interested in the same property. When more than one person is beneficially interested in the same property, only the value of the reporter's interest should be given in this part, but the whole item should be described in Part D. The description should indicate the proportionate interest of the reporter.

D. Property Class A. Property in this class is to be reported in detail on Series C. The total shown under column (3) in Part C of Series C, is to be carried to Series B under "cost or face value" and the total under column (5) in Part C of Series C is to be carried to Series B under "book, market, or estimated value."

E. Property Class I. In reporting under this class, include property in which both the reporter and a foreign organization allied with him were separately interested, but do not report property in which the reporter was interested only through such an organization.

5. *Part C.* This part requires a statement of the indebtedness of the reporter to foreign persons so far as such indebtedness is secured by the property reported on Series B. All amounts should be entered in dollars to the nearest dollar. Indebtedness payable in foreign currency should be converted into dollars in accordance with the instructions relating to exchange rates given in section X of this circular.

6. *Part D—A. Property items to be described.* Describe in this part the items of property included under Part B except those in Property Class A. Each item must be listed in the order in which

the property types are given in Part B. Excepting securities, either foreign or domestic, held outside the United States, a property item of which both the cost or face value and market or estimated value were less than \$1,000 is not required to be described but may be at the election of the person reporting. Items in property type 14 "Accounts and bills receivable" need be described only when valued at more than \$10,000. All items of property the value of which is not ascertainable must be described, with a statement why values cannot be supplied. Although items of a value of less than \$1,000 or \$10,000, as the case may be, need not be listed in this part, the value of each must be included in the total value of property of the appropriate type in Part B.

B. Definition of property item. A property item is any unit of property commonly bought, sold, assigned, released, or alienated, except that the total of wholly similar units of the same kind constitutes one item, such as a number of shares of stock of the same issue, or a number of acres of land in one parcel. Whenever an item includes more than one unit of property, the number of units must be stated in the description.

C. Method of listing—(1) Property type number. Enter in column (a) the number of the property type in which the item is included.

(2) *Description and information concerning location.* Enter in column (b) a short description or identification of the property item, such as "Checking account in X bank", "10 ordinary shares of Y corporation", or "City lot, 50 x 70 feet, improved with a two-story dwelling house". When an obligation was payable in foreign currency, the face amount in such currency should be included in the description. The location of each item should be clearly indicated. In the case of tangible property, such as real estate, the actual location of the property should be stated, with street and number if appropriate. With respect to other tangible property, location should be given similarly, or, if the property was physically held in the custody of some person, that person's name and address should be given. In the case of intangible property, for example bank deposits, corporate stocks, or accounts receivable, the name and address of the issuer or person liable should be given, and, if an instrument representing or evidencing the property was held outside the United States, the name and address of the custodian of the instrument should also be given. In stating actual location or address, the name of any subordinate governmental unit commonly used in addressing mail shall be given in addition to all other required information.

(3) *Values.* The values given for each item should be the same as those used in carrying the item into the entries in Part B.

(4) *Special instructions regarding securities.* Every item of securities (Property Classes C and J) held outside the United States must be described even though the value was less than \$1,000.

In addition to the information required under the preceding instructions, the description of any such security must include, when known, the certificate or other designating number and the name, if any, in which the security was registered. If any corporate shares reported under property type 11 are believed to have constituted more than ten percent of the issue of which they were a part, the percentage shall be stated.

(5) *Special instructions regarding Property Class I.* Concerning property in Class I, "License agreements, franchises, and certain contracts," the description need state only the names and addresses of the foreign persons who were parties or beneficiaries at any time on or after January 1, 1935. List first the persons interested on May 31, 1943, and indicate with the name of each person previously interested the date on which his interest ceased. In reporting a franchise or concession, include the name and address of the particular governmental agency by which the grant was made. In addition, state the names and addresses of any foreign persons believed to be interested in the franchise or concession. In listing any property in this class, include the specified information concerning any foreign organization allied with the reporter which is involved.

D. *Continuation sheets.* Continuation sheets identical with Part D are provided for the use of reporters who find the space on the form insufficient.

7. *Part E.* In answering the questions in this part, each item of property should be designated by the number of its type and by its description, or a summary of its description, in Part D.

Section VIII—Property Classes

This section contains a classification of property for the purposes of the reports. It is imperative that all property be entered under the correct type. No property reportable under one type is reportable under any other type, except as provided regarding property type 32 "Certain contracts." Particular care should be taken not to report under any other class property reportable in Class A.

Class A: Interests in allied foreign organizations—(1) *Corporations, associations, and similar organizations,* interests of any person subject to the jurisdiction of the United States in any foreign corporation, association, business trust, or similar organization allied with such person, including ownership or other interest in stock, shares, bonds, debentures, notes, drafts, certificates, or other securities or other obligations of any such foreign organization; (2) *Branches,* interest of any person subject to the jurisdiction of the United States in property in any foreign country allocated to or held in the name or for the use of any branch, depot, or office outside the United States, maintained by such person for the transaction of any of his business; (3) *Partnerships,* interests of any person subject to the jurisdiction of the United States in any foreign partnership of which he was a partner.

Class B: Bullion, currency, and deposits—(4) *Bullion,* both gold and silver; (5) *Currency and coin not repudiated,* all currency and coin issued by or under the authority of any foreign government unless repudiated as a medium of exchange prior to January 1, 1938; (6) *Demand deposits* payable in any foreign country, whether the obligation was expressed in terms of United States dollars or of any foreign currency, including any and all demand deposits maintained with any bank, broker, or other financial agency in the reporter's own name or jointly with one or more persons or on which he had authority to draw; (7) *Other deposits* payable in any foreign country, whether the obligation was expressed in United States dollars or in any foreign currency, maintained with any bank, broker or other financial agency, including savings accounts, compound interest accounts, accounts represented by certificates of deposit, postal savings accounts or any and all other accounts, except demand deposits, maintained in the reporter's own name or jointly with one or more persons or on which he had authority to draw.

Class C: Securities (other than Classes A and J)—(8) *Government securities,* direct obligations of any foreign country or of any agency or instrumentality or state, territory, district, possession, or other subdivision of such a country, or of any foreign municipality or municipal corporation, including bonds, registered or bearer, notes or certificates of indebtedness and any other such obligation thereof, and other similar obligations representing funded debt, and including certificates of deposits with respect to any of the foregoing; (9) *Government guaranteed corporate bonds,* obligations representing funded debt of any corporation or other organization, except a municipal corporation or other governmental organization or agency, guaranteed as to principal or interest by any foreign country, or by any agency, instrumentality, subdivision or municipality thereof, and including certificates of deposit with respect to any of the foregoing; (10) *Corporate bonds, exclusive of type 9,* bonds of any foreign corporation or other organization, including mortgage bonds, registered or bearer, debentures, notes, income bonds and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments, and any other instruments, negotiable or otherwise, representing funded debt, executed or issued by or in the name of any corporation or other organization organized or existing under the laws of any foreign country or any subdivision thereof, except those included under property type 9, designated "Government guaranteed corporate bonds"; (11) *Corporate shares,* shares and stock, of any class [other than any representing funded debt] issued by any foreign corporation or other organization, including interests in voting trusts, stock pools and similar interests, and any trustee's or other certificates, by whatever name called, representing shares or beneficial interests in a business trust or other kind of un-

incorporated business organization except a partnership; (12) *Warrants, scrip, rights, options, and other securities,* warrants, scrip, rights, options, or other instruments evidencing the right to receive, purchase, or acquire any foreign financial security or interest therein, absolutely or upon contingency, and all other contracts relating to the purchase or sale of foreign financial securities, issued or unissued; and any other foreign financial securities whatsoever or rights therein not previously classified, commonly dealt in by bankers, brokers, and investment houses.

Class D: Receivables and claims (other than Classes A and J)—(13) *Notes,* including promissory notes and any and all other notes for the payment of money constituting, or claimed to constitute, a liability of any person in a foreign country [other than notes secured by mortgage or representing funded debt]; (14) *Accounts and bills receivable,* including book accounts and similar accounts receivable or claimed to be receivable from or to constitute a liability of any person in a foreign country; and all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, and any and all other drafts or bills of exchange and payment orders and remittances, drawn on, payable at, issued by, or representing by the terms thereof a claim or demand on or other obligation of any banking institution or other person in a foreign country not included or reflected in an account receivable; (15) *Letters of credit* and similar instruments and agreements whereunder the obligation of any banking institution in a foreign country would have arisen upon the drawing of a draft thereunder by the reporter, without precedent or concurrent unfulfilled conditions for shipment of goods or the like, or under which the reporter had any right to receive reimbursement for any unused portion from any such banking institution; (16) *Other claims and demands* for the payment of money [other than interest] including all judgments, awards, indebtedness, or claims arising under contracts, policies of insurance or indemnity bonds, accrued rents and royalties, drawbacks, rebates, and refunds, and all other debts, claims, or demands due or past due for the payment of money, whether or not secured in any manner, [other than those classified under some other type] which were due or claimed to be due from any person in a foreign country or which were expressly payable in any foreign country, or if payable only on special demand, due demand therefor was by the terms thereof to be made in a foreign country.

Class E: Miscellaneous personality—(17) *Options and futures in commodities,* representing obligations of any person in a foreign country, traded on any commodity exchange, including any interest in, or present or future claims to, any commodities or the proceeds of the sale of any commodities; (18) *Goods and merchandise,* all tangible property held as stock in trade, on consignment, or in process, including raw materials, agricultural products, finished goods, and machines when so held, within any for-

foreign country, whether or not a warehouse receipt, negotiable or otherwise, or other instrument had been issued therefor; (19) *Machinery and equipment*, including all machinery and equipment installed or held for installation, automobiles [business], trucks, automotive or otherwise, and other vehicles [not including rolling stock of any railroad operating within the United States], office equipment and furnishings, and whatever else of like or similar type customarily classified as machinery and equipment, vessels of any type and tonnage [not including vessels of United States registry under the United States flag, and aircraft in similar circumstances], charter parties, and all other interests represented by instrument or otherwise in the rights to possession, use, or control of any foreign vessel [other than maritime or other liens thereon]; farm machinery and equipment, livestock, and all other tangible personalty used in the operation of any business or occupation; (20) *Jewelry and objects of art for personal use*, including all jewelry, precious stones, precious metals other than bullion, art objects, and coin and stamp collections, not held for business use; (21) *Liens on and claims to personalty, not otherwise classified*, including trust receipts, contracts for conditional sale or re-sale, lease-sale agreements, repurchase agreements, chattel mortgages, pledges of tangible personalty; maritime, cattle, timber, and crop liens; and all instruments not otherwise classified evidencing any lien on, or claim to, personalty, and all other liens on or claims to personalty not represented by any instrument, arising by agreement or by operation of law.

Class F: *Real property, mortgages, and other rights to land*—(22) *Land and buildings for personal use*, including only property used exclusively as a dwelling by the reporter and his family and not more than one other family; (23) *Land and buildings, other than for personal use*, including all property used as a dwelling other than that classified under type 22 preceding, and all lands and buildings, structures, and other improvements thereon used for commercial, manufacturing, mercantile, agricultural, and other business purposes; (24) *Mortgages on real property*, mortgages, mortgage participation certificates, guaranteed or otherwise, deeds of trust, and any other lien on any real property or interest therein securing an obligation for the payment of money [other than corporate mortgage bonds or notes represented by financial securities]; (25) *Other rights to land*, contracts for purchase and sale of real property, whether or not partly executed, options for the purchase of real property, ground rents, leaseholds, tax warrants, easements, and rights to the use or exploitation of land, including mineral rights, oil rights, and similar rights, and royalties thereon, and all other rights, interests or liens, vested or contingent, upon real property or upon an interest in real property not otherwise specified.

Class G: *Estates and trusts*—(26) *Interests in estates and trusts*, each and

every right or interest, present or future, absolute or contingent, in or to any of the property or estate of a deceased person, under administration in any foreign country, which belonged to a person subject to the jurisdiction of the United States, or in which he had an interest, whether the same existed by reason of the provisions of a last will and testament or by operation of law in case of the intestacy of the deceased, and all other rights or interests, present or future, absolute, revocable or contingent, belonging to a person subject to the jurisdiction of the United States or in which he had an interest in or to any property or fund held or controlled by a trustee or other fiduciary by whatever name described acting under the laws of any foreign country.

Class H: *Life insurance policies and annuities*—(27) *Life insurance policies*, of all types having a cash surrender value; (28) *Annuities*, of all types, including pensions and endowments, whether gratuitous or upon consideration, and pension and endowment contracts.

Class I: *License agreements, franchises, and certain contracts*. (29) *Patent license agreements*, licenses, by definition or otherwise, and immunities, relating in any way to foreign patents, and any other contracts affecting or involving such patents, including, but not by way of limitation, reciprocal licensing agreements; (30) *Trademark license agreements*, licenses, by definition or otherwise, and immunities, relating in any way to foreign trademarks, and any other contracts affecting or involving such trademarks, including but not by way of limitation, reciprocal licensing agreements; (31) *Franchises and concessions*, by which any right or privilege was granted or given by any foreign country or any subdivision thereof or any municipality therein, which was or might have been exercised affecting the commencement, continuation, or conduct of a business or as an incident thereto; (32) *Certain contracts*, all contracts, agreements, and understandings, whether written or oral, of the following kinds, with any person or persons within a foreign country, whether or not also reportable under some other type: (a) Contracts allocating, restricting, or otherwise determining, or providing for the allocation, restriction, or determination of, the production, marketing, or pricing, of goods or services, but not including contracts the primary purpose of which was to constitute one of the parties an agent or representative for the sale of goods supplied by the other party; (b) Contracts for the exchange of information or inventions, including information concerning methods, processes, or volume of production, sales prices, insurance rates, shipping space, and other trade information and including contracts providing for visitation or inspection of plants or processes; (c) Management contracts, exclusive service contracts, and contracts relating to the selection or exchange of employees, officers, directors, agents, or partners; (d) Contracts covering all or a percentage proportion of the output of a

mine, well, plant, or other productive unit; (e) Contracts involving dividend guarantees, pooling or division of income or profits, [other than partnership agreements], and agreements to finance; (f) Insurance treaties.

Class J: *Property issued by the United States and persons therein*—(33) *Currency and coin*, issued by or under authority of the United States; (34) *Government issued and guaranteed bonds*, including all United States bonds, registered or bearer, notes, bills, certificates of indebtedness, savings stamps, matured coupons, attached or detached, and every other such direct obligation of the United States Government, and all obligations evidenced by financial securities guaranteed as to principal or interest, by the United States Government, and state, municipal, and other local government obligations, including bonds, registered or bearer, matured coupons, attached or detached, notes, certificates of indebtedness, and any other such obligations of any state, territory, district, or possession of the United States, or of any agency or instrumentality or subdivision thereof, or of any municipal corporation, including, without limitation, cities, towns, townships, counties, parishes, irrigation districts, school, water, drainage, and tax districts, special authorities, and any other similar obligations and including certificates of deposit with respect to any of the foregoing; (35) *Corporate bonds*, bonds of domestic corporations, including mortgage bonds, registered or bearer, debentures, notes, income bonds, and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments and any other obligation evidenced by an instrument, negotiable or otherwise, representing funded corporate debt, executed or issued by or in the name of any corporation organized under the laws of the United States or of any state, territory, district, or possession thereof, including all such obligations of any agency or instrumentality of the United States not guaranteed as to principal or interest by the United States Government and including certificates of deposit with respect to any of the foregoing; (36) *Corporate stocks*, stock and shares, of any class, issued by domestic corporations, or other domestic organizations, including interests in voting trusts, stock pools, and similar interests, and any trustee's or other certificates, by whatever name called, representing shares or beneficial interests in any business trust or other type of incorporated business organization except a partnership; (37) *Negotiable instruments for the payment of money drawn on*, payable at, issued by, or representing by the terms thereof a claim on or obligation of any banking institution or other person subject to the jurisdiction of the United States, including all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, promissory notes and any and all other notes, drafts, or bills of exchange.

Section IX—Valuation and Location of Property

1. *Valuation—A. General.* Both "cost or face value" and "book, market, or estimated value" shall be determined for each type of property as required in the Table of Valuation and Location appearing in subsection 3 of this section, and in the special instructions below. Valuation shall be in United States dollars except where otherwise required. Values in foreign currencies must be converted at the exchange rates prescribed in section X, Table of Exchange Rates and Valuation Dates, except as provided below concerning cost. Amounts entered on the report should omit fractions or decimals. However, in addition or multiplication, to determine the full value of an item of property which is composed of several units, fractions or decimals should not be disregarded. For example, if 10 shares of a particular stock are to be reported and the value of each share was \$116 $\frac{3}{4}$, so that the exact total value was \$1163.75, the amount to be entered on the report should be \$1164.

B. Cost or face value—(1) Cost. Where the Table of Valuation and Location in subsection 3 below calls for cost, original cost to the person reporting should be entered, regardless of the date on which incurred, and without inclusion of interest or carrying charges or deduction, either direct or through the medium of reserves, for depreciation, obsolescence, depletion, or revaluation but excluding the cost of any portion of the property disposed of before the reporting date. However, cost as carried on the books of the reporter as of May 31, 1943, may be used if substantially in accord with this instruction and with the special instructions relating to real property given in subsection D below. When original cost was not recorded in United States dollars, it shall be converted into dollars at the exchange rate prevailing at the time of acquisition. The exchange rate specified in section X should not be used in such a conversion. Funds borrowed to purchase property shall not be deducted from its cost.

If property was acquired gratuitously, as by gift or bequest, the market or estimated value at the time of acquisition shall be entered in lieu of cost.

(2) *Face value.* The face value of an instrument for the payment of money or of any other money obligation is the amount purporting to be due and owing thereon at the close of business on May 31, 1943, without regard to unpaid interest, which shall not be reported in any way on Form TFR-500.

C. Book, market, or estimated value—(1) Date of valuation. Although this census covers only property actually or presumptively held at the close of business on May 31, 1943, earlier dates for determination of the market or estimated value of the property reported are provided with respect to certain jurisdictions. Accordingly, the date as of which property is to be valued will in many instances differ from the uniform date as of which it is enumerated for the report. The valuation dates for all jurisdictions are set forth in section X, Table

of Exchange Rates and Valuation Dates, which should be consulted in every case. Speaking generally, property in the Western Hemisphere, central and southern Africa, and western and south-central Asia, and the Australian region is to be valued as of the date of the enumeration of all property to be reported, that is, the close of business on May 31, 1943, property in Europe, excepting certain jurisdictions, and in north Africa, as of August 1, 1939, and that in Oceania and eastern and southeastern Asia as of December 1, 1941.

(2) *Book value.* Book value shall be given only with respect to property in Class A, "Interests on allied foreign organizations." The value required is underlying book value as shown on the books of the allied organization, which should be reported in detail on Series C and carried in total from that series to Series B. Neither market nor estimated value should be given in place of such book value. Compare subsection D (1), below.

(3) *Determination of market or estimated value.* Market value, except when special provision is made in this circular, shall be based on the value prevailing in the market for the particular property on the prescribed valuation date. If market prices are not available, sale prices or bids for the same or substantially similar property, if reasonably close to the valuation date, shall be used in determining value. In the absence of any such criteria, the best estimate of value at the specified date should be given, based upon all attendant or surrounding circumstances then existing, but not including the possibility of war. The value at the prescribed date must be used regardless of the effect which subsequent war conditions may have had upon the type of property involved or the property against which it is a lien or the ownership of which it represents.

If more than one market existed for a particular kind of property on the valuation date, the price prevailing in the principal market on that date shall be used. With respect to property having a recognized market in the United States, such as foreign dollar securities, the price in the United States shall be regarded as the principal market price.

(4) *Example.* As an example under this subsection, suppose that in 1936 a person reporting had bought 3,000 shares of stock of a French corporation, and in 1940 sold 2,000 shares, leaving 1,000 shares on May 31, 1943, the basic census date. The market value in Paris, the principal market, was 100 francs per share on August 1, 1939, the valuation date specified for France by section X of this circular, but on May 31, 1943, it is believed, from such information as is available, that the market value was about 50 francs per share. The total market value for reporting is 100,000 francs, i. e., the number of shares (1,000) held on May 31, 1943, multiplied by the value per share (100 francs) on August 1, 1939, the specified valuation date for France. The number of shares held in 1939 is disregarded, as is the probable market value per share in 1943. In entering the value on the report it will of

course be converted to dollars at the rate provided in section X, 2.6 cents per franc, making the amount \$2,600.

D. Valuation of particular kinds of property—(1) Interests in allied foreign organizations. Instructions for determining the value of interests in allied foreign organizations (property types 1 through 3) are given by section XI in this circular relating to Series C. The instructions in the present section are not applicable to the valuation of such interests.

(2) *Obligations payable in more than one currency.* When an obligation was payable in more than one currency at the option of the reporter, the value should be based on the most favorable option. If some other party had the choice, the value should be based on the option least favorable to the reporter.

(3) *Estimated value of receivables, claims, and mortgages.* The estimated value of receivables, claims, and mortgages, including instruments secured by a mortgage on real property but excluding letters of credit, shall be the face amount, except that the amount expected to be actually realized as of the pertinent valuation date shall be taken as the value when such amount is less than the face amount.

(4) *Letters of credit.* One amount shall be entered as both the face value and the market or estimated value of letters of credit. As to the beneficiary, the value shall be the amount available by draft at the close of business on May 31, 1943, in accordance with the terms of the letter of credit. The value with respect to the person at whose request a letter of credit was opened shall be the prepaid amount which was reimbursable on that same date.

In determining the amount available by draft, deduct from the face amount of the letter of credit, or from the upper limit of credit, if greater than the face amount, the amount of any draft already drawn, whether or not accepted or paid. No report whatever should be made, either by the beneficiary or a confirming domestic bank, with respect to a letter of credit under which the beneficiary might have drawn only if he had rendered a performance, such as the shipment of goods, which had not been fulfilled on May 31, 1943.

A person who had opened a letter of credit should report as reimbursable only any amount actually prepaid, less drafts paid before the close of business on May 31, 1943. Cash collateral should be reported under deposits. Other collateral should be reported in the appropriate property type. No deduction should be made from the amount reimbursable or from collateral for contingent indebtedness on the unused portion of the letter of credit.

(5) *Cost of real property.* The cost of real property shall be original cost adjusted by addition of capital expenditures (excluding expenditures for maintenance and repairs) and by subtraction of capital withdrawals.

(6) *Cost of other rights to land.* If the reporter purchased property included under type 25, "Other rights to land," he should enter the price paid

as the "cost or face value" of the property. Concerning property acquired in any other manner, such as a leasehold granted to the reporter upon a periodical rental, the word "unascertainable" should be entered.

(7) *Interests in estates and trusts.* In reporting an interest in an estate or trust, the same amount shall be entered under both "cost or face value" and "book, market, or estimated value." Respecting a present interest in the corpus of an estate or trust, the amount shall be that proportion of the market or estimated value of the entire assets of the estate or trust which was assignable to the interest. The amount reportable for an income interest or a future interest in the corpus shall be the actuarial value of the interest calculated as of May 31, 1943, by standard methods, on the basis of the market or estimated value of the corpus, determined as of the valuation date specified for the pertinent jurisdiction in section X, Table of Exchange Rates and Valuation Dates, which in many cases is earlier than May 31, 1943. Thus in some instances the date for determining the value of the corpus will differ from that which will govern in ascertaining the other data requisite to the calculation. In any case, the description of the interest reported shall include a summary but complete statement of all data pertinent to its valuation.

(8) *Life insurance policies.* The cash surrender value on May 31, 1943, shall be entered as both the "cost or face value" and the "book, market, or estimated value" of a life insurance policy. If payment of premiums was suspended before May 31, 1943, because of war or governmental controls use the cash surrender value at the time of the last premium payment. Deduct from the gross surrender value the amount of any policy loans or similar charges against the policy.

(9) *Property issued by the United States and persons therein.* The value of property items in this class shall be determined in accordance with the principles applicable to corresponding items in other property classes.

E. Property damaged, destroyed, or seized. Subsection 2B in section II of this circular requires that property damaged, destroyed, or seized in certain circumstances shall be reported on Form TFR-500. Such property shall be valued as if the damage, destruction, or seizure had never occurred, i. e., no deduction from the value shall be made for the adverse action whether it took place before or after the applicable valuation date. However, in arriving at the value, deduct any portion of the loss actually recovered through insurance, and state the circumstances in describing the property. In other respects, disregard the existence of insurance on such property.

F. Property regarded as worthless for other governmental purposes. The circumstance that property falling within the requirements of this circular is regarded as worthless for some other governmental purpose shall not render the requirements inapplicable to the property in any respect whatever. For ex-

ample, a person holding bonds of an enemy country having a face value of \$2,000 and a market or estimated value of \$300 on the valuation date specified for that jurisdiction in section X of this circular, must report them at those amounts even if they are considered completely worthless for purposes of taxation.

2. *Location of property—A. General.* In reporting on Form TFR-500, the location of property in foreign countries shall be determined in accordance with the Table of Valuation and Location in subsection 3 of this section, and the special instructions respecting certain kinds of property which are given by this subsection. It is required throughout that the location of property shall be reported according to jurisdictions. Section X of this circular sets forth a list of jurisdictions which must be followed strictly to the extent that any jurisdiction is included therein.

(1) *Definition of jurisdiction.* With respect to reports on Form TFR-500, a "jurisdiction" shall be regarded as comprising the governmental or administrative area connoted by its name on January 1, 1938, without regard to prior or subsequent invasion or other similar act. If several governmental units were connoted by the name of a jurisdiction listed in section X, as in the case of the British West Indies, the jurisdiction shall be considered to include the areas of all the units.

(2) *Country divided into more than one jurisdiction.* When a foreign country, or a country and its colonies, is divided into more than one jurisdiction in the list appearing in section X, the instructions respecting location shall be regarded as applying to each jurisdiction separately instead of to the country as a whole.

B. Property not to be reported in more than one jurisdiction—(1) General. An item of property should not be reported as located in more than one jurisdiction, even though it had some relation to two or more jurisdictions, but the circumstances concerning such property shall be stated in the description of the property. For example, if a claim against a person resident in one jurisdiction had been guaranteed by a person in another, the claim should be regarded as located only in the jurisdiction where the principal debtor was resident, with a statement in the description regarding the guaranty. A similar rule should be followed with respect to the debt of a person in a particular jurisdiction secured by the pledge of collateral issued by a person in another jurisdiction. However, it is provided in the Table of Valuation and Location in subsection 3 of this section that debts secured by liens on tangible personal property and on real estate shall be reported in the jurisdiction where the property is physically located and not in the jurisdiction where the debtor is resident, if the two jurisdictions are different.

(2) *Location of instruments.* The location of instruments representing or evidencing any property shall be disregarded in determining the location of the property, except as provided with respect to Class J, "Property issued by

the United States and persons therein," but, if the instrument was not in the United States, the facts concerning the location of the instrument shall be fully stated in any description which is required concerning the property.

(3) *Claim against citizen of one country resident in another.* If an individual was resident in a country other than that of his citizenship, a claim against him shall be regarded as located only within the country of his residence.

(4) *Claims relating to branches.* Claims against a foreign person arising through transactions with a branch or office of such person shall be considered as located in the jurisdiction where the branch or office was situated. For example, if a person delivered goods on credit to a branch in jurisdiction A of a corporation organized in jurisdiction B, the claim for the price of the goods shall be reported as located in jurisdiction A. Claims against a person subject to jurisdiction of the United States relating to a foreign branch or office of the person shall likewise be reported as located where the branch or office was situated. Concerning the location of insurance policies and annuities, attention is directed to subdivisions E and F, below, of this subsection.

C. Property damaged, destroyed, or seized. When property damaged, destroyed, or seized is reported, as provided by subsection 2B in section II of this circular, the location shall be determined exactly as if the adverse action had not occurred.

D. Vessels and aircraft. Vessels and aircraft shall be deemed to have been located within the jurisdiction in which they were registered.

E. Insurance policies. Insurance policies and claims thereunder should be regarded as located in the jurisdiction where the last premium before May 31, 1943, was payable, unless it is known that the assets covering reserve liability, i. e., for the payment of claims under such policies, were not held in such jurisdiction. In the latter case a policy or claim should be considered to be located where the reserve was held. In accordance with these principles, no report need be made of policies issued in the United States by foreign insurance companies, or claims thereunder, if the premiums were payable here and it is not known that the reserves were elsewhere.

F. Annuities. The principles stated in the preceding subsection should be applied in determining the location of annuities purchased from an insurance company or other similar organization. Other annuities, including pensions, should be regarded as located in the jurisdiction where the person obligated is situated.

G. Property issued by the United States and persons therein. Property issued by the United States and persons therein (Property Class J) shall be reported as situated in the country where it was physically located, except that if such property had been entrusted to a foreign custodian, it shall be reported as located in the jurisdiction within which the custodian was situated. In case it is known that the property had been placed by the custodian in the hands of a person

CLASS F—REAL PROPERTY, MORTGAGES, AND OTHER RIGHTS TO LAND

Property types	Cost or face value (subsection 1b)	Book, market, or estimated value (subsection 1c)	Factors determining location (subsection 2)
(22) Land and buildings for personal use.	Adjusted cost (subsection 1d (6)).	Market or estimated value.	Physical location.
(23) Land and buildings, other than for personal use.	Do.	Do.	Do.
(24) Mortgages on real property.	Face value.	Estimated value (subsection 1d (3)).	Physical location of underlying property.
(25) Other rights to land.	Cost (subsection 1d (6)).	Market or estimated value.	Do.

CLASS G—ESTATES AND TRUSTS

(26) Interests in estates and trusts.	Value as of May 31, 1943, based on market or estimated value of assets (subsection 1d (7)).	Value as of May 31, 1943, based on market or estimated value of assets (subsection 1d (7)).	Jurisdiction in which created.
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CLASS H—LIFE INSURANCE POLICIES AND ANNUITIES

(27) Life insurance policies.	Cash surrender value on May 31, 1943 (subsection 1d (8)).	Cash surrender value on May 31, 1943 (subsection 1d (8)).	Jurisdiction where premiums payable (subsection 2E).
(28) Annuities.	Actuarial value on May 31, 1943.	Actuarial value on May 31, 1943.	Jurisdiction where purchased or where obligor was located (subsection 2F).

CLASS I—LICENSE AGREEMENTS, FRANCHISES, AND CERTAIN CONTRACTS

(29) Patent license agreements.	No value required.	No value required.	Jurisdiction within which principal foreign party was located.
(30) Trade-mark license agreements.	Do.	Do.	Do.
(31) Franchises and concessions.	Do.	Do.	Jurisdiction granting.
(32) Certain contracts.	Do.	Do.	Jurisdiction in which principal foreign party was located.

CLASS J—PROPERTY ISSUED BY THE UNITED STATES AND PERSONS THEREIN

(33) Currency and coin.	Face value (subsection 1d (9)).	Face value (subsection 1d (9)).	Physical location, unless in custody (subsection 3G).
(34) Government issued and guaranteed bonds.	Do.	Market or estimated value (subsection 1d (9)).	Do.
(35) Corporate bonds.	Do.	Do.	Do.
(36) Corporate stocks.	Cost (subsection 1d (9)).	Do.	Do.
(37) Negotiable instruments for the payment of money.	Face value (subsection 1d (9)).	Estimated value (subsection 1d (9)).	Do.

Section X—Table of Exchange Rates and Valuation Dates

When the value of property expressed in terms of foreign currency is required to be converted into United States dollars in reporting on Form TFR-500, the rates of exchange set forth below must be used except where other provision is specially made. If any jurisdiction is not included in the table, the latest rate next before May 31, 1943, as generally quoted by foreign exchange dealers or

other recognized sources of information, shall be used. Such a rate shall be clearly stated in the report on series B relating to the jurisdiction.

Detailed instructions for the use of this table in the valuation and location of property are given by section IX in this circular.

This table is provided for use only in preparing reports on Form TFR-500 and is not intended to be used or relied upon in any other connection or for any other purpose whatsoever.

within another jurisdiction, the circumstances shall be fully stated in any description which is required concerning the property. For the purposes hereof, the term "property," as applied to any financial security or negotiable instrument for the payment of money, shall mean the actual security or instrument and not the obligation of the issuer.

3. Table of valuation and location. References in parentheses are to the preceding subsections of this section.

CLASS A—INTERESTS IN ALLIED FOREIGN ORGANIZATIONS

Property types	Cost or face value (subsection 1b)	Book, market, or estimated value (subsection 1c)	Factors determining location (subsection 2)
(1) Corporations, associations, and similar organizations.	Cost (subsection 1d (1)).	Value per books of allied organization (subsection 1d (1)).	Jurisdiction in which organized.
(2) Branches.	Do.	Do.	Jurisdiction in which operating.
(3) Partnerships.	Do.	Do.	Jurisdiction in which organized.

CLASS B—BULLION, CURRENCY, AND DEPOSITS

(4) Bullion:	\$35.00 per oz.	\$35.00 per oz.	Physical location.
(5) Gold bullion.	\$0.45 per oz.	\$0.45 per oz.	Do.
(6) Demand deposits.	Face value.	Face value.	Jurisdiction issuing.
(7) Other deposits.	Amount of balance on May 31, 1943.	Amount of balance on May 31, 1943.	Jurisdiction where primarily payable.

CLASS C—SECURITIES (OTHER THAN CLASSES A AND J)

(8) Government securities.	Face value.	Market or estimated value.	Jurisdiction issuing or in which issuer organized.
(9) Government guaranteed corporate bonds.	Do.	Do.	Jurisdiction guaranteeing or in which guarantor organized.
(10) Corporate bonds, exclusive of type 9.	Do.	Do.	Jurisdiction in which issuer organized.
(11) Corporate shares.	Cost.	Do.	Do.
(12) Warrants, scrip, rights, options, and other securities.	Do.	Do.	Jurisdiction issuing or in which issuer organized.

CLASS D—RECEIVABLES AND CLAIMS (OTHER THAN CLASSES A AND J)

(13) Notes.	Face value.	Estimated value (subsection 1d (3)).	Jurisdiction within which person obligated was located.
(14) Accounts and bills receivable.	Do.	Do.	Do.
(15) Letters of credit.	Amount available by draft or in reimbursement on May 31, 1943 (subsection 1d (4)).	Amount available by draft or in reimbursement on May 31, 1943 (subsection 1d (4)).	Do.
(16) Other claims and demands.	Face value.	Estimated value (subsection 1d (3)).	Do.

CLASS E—MISCELLANEOUS PERSONALTY

(17) Options and futures in commodities.	Cost.	Market or estimated value.	Jurisdiction in which person obligated was located.
(18) Goods and merchandise.	Do.	Do.	Physical location.
(19) Machinery and equipment.	Do.	Do.	Physical location (subsection 2D).
(20) Jewelry and objects of art for personal use.	Do.	Do.	Physical location.
(21) Loans on and claims to personalty, not otherwise classified.	Do.	Do.	Physical location of underlying property.

Jurisdiction	Monetary unit	U. S. cents per unit	Valuation date
Afghanistan	Afghan	7.6	5-31-43
Albania	Franc	32.9	8-1-39
Algeria	Franc	2.6	8-1-39
Angola	Angolar	4.0	5-31-43
Anglo-Egyptian Sudan	Pound	409.7	5-31-43
Argentina	Peso	25.0	5-31-43
Australia	Pound	319.8	5-31-43
Austria	Schilling	18.9	8-1-39
Bahamas	Pound	400.0	5-31-43
Belgian Congo	Franc	2.3	5-31-43
Belgium	Belga	17.0	8-1-39
Bermuda	Pound	401.0	5-31-43
Bolivia	Boliviano	2.4	5-31-43
Brazil	Cruzeiro	5.1	5-31-43
British Arabia	Rupie	30.1	5-31-43
British East Africa	Shilling	20.0	5-31-43
British Guiana	Dollar	83.7	5-31-43
British Honduras	Dollar	99.5	5-31-43
British Malaya	Dollar	47.2	12-1-41
British Mediterranean possessions	Pound	401.0	5-31-43
British West Africa	Pound	402.5	5-31-43
British West Indies, otherwise unlisted	Dollar	83.7	5-31-43
Bulgaria	Lev	1.2	8-1-39
Burma	Rupie	30.1	12-1-41
Canada	Dollar	90.1	5-31-43
Chile	Peso	3.2	5-31-43
China	Yuan	5.3	12-1-41
Colombia	Peso	57.2	5-31-43
Costa Rica	Colon	17.8	5-31-43
Cuba	Peso	100.0	5-31-43
Czechoslovakia	Koruna	3.4	8-1-39
Danzig	Gulden	18.8	8-1-39
Denmark	Krone	20.9	8-1-39
Dominican Republic	Dollar	100.0	5-31-43
Ecuador	Sucre	7.1	5-31-43
Egypt	Pound	417.0	5-31-43
Eire (Irish Free State)	Pound	403.0	5-31-43
Estonia	Kroon	25.9	8-1-39
Ethiopia	Shilling	20.0	5-31-43
Finland	Markka	2.1	8-1-39
France	Franc	2.6	8-1-39
French Equatorial Africa	Franc	2.3	5-31-43
French Guiana	Franc	2.3	5-31-43
French India	Rupie	30.1	5-31-43
French Indo-China	Plaster	22.7	12-1-41
French Morocco	Franc	2.6	8-1-39
French Oceania	Franc	2.3	12-1-41
French Somaliland	Franc	2.3	5-31-43
French West Africa	Franc	2.3	5-31-43
French West Indies	Franc	2.3	5-31-43
Germany	Reichsmark	40.1	8-1-39
Greece	Drachma	0.9	8-1-39
Guam	Dollar	100.0	12-1-41
Guatemala	Quetzal	100.0	5-31-43
Haiti	Gourde	20.0	5-31-43
Honduras	Lempira	49.0	5-31-43
Hongkong	Dollar	25.1	12-1-41
Hungary	Pengo	19.6	8-1-39
Iceland	Krone	15.4	5-31-43
India	Rupie	30.1	5-31-43
Iran (Persia)	Rial	3.1	5-31-43
Iraq (Mesopotamia)	Dinar	405.5	5-31-43
Italian East Africa	Shilling	20.0	5-31-43
Italy	Lira	5.3	8-1-39
Jamaica	Pound	401.0	5-31-43
Japan	Yen	23.4	12-1-41
Latvia	Lat	18.6	8-1-39
Liberia	Dollar	83.3	5-31-43
Libya	Lira	5.3	8-1-39
Lichtenstein	Franc	23.3	5-31-43
Lithuania	Litas	16.9	8-1-39
Luxembourg	Franc	4.2	8-1-39
Madagascar	Franc	2.3	5-31-43
Mexico	Peso	20.6	5-31-43
Mozambique	Escudo	4.1	5-31-43
Netherlands	Guilder	53.2	8-1-39
Netherlands East Indies	Guilder	52.8	12-1-41
Netherlands West Indies	Guilder	52.5	5-31-43
Newfoundland	Dollar	90.1	5-31-43
New Zealand	Pound	322.8	5-31-43
Nicaragua	Cordoba	20.0	5-31-43
Norway	Krone	23.5	8-1-39
Palestine	Pound	402.5	5-31-43
Panama	Balboa	100.0	5-31-43
Paraguay	Peso	0.3	5-31-43
Peru	Sol	15.4	5-31-43
Philippine Islands	Peso	50.0	12-1-41
Poland	Zloty	18.8	8-1-39
Portugal	Escudo	4.1	5-31-43

Jurisdiction	Monetary unit	U. S. cents per unit	Valuation date
Portuguese Atlantic Islands	Escudo	4.1	5-31-43
Portuguese Guinea	Escudo	4.1	5-31-43
Portuguese India	Rupie	30.1	5-31-43
Rhodesia	Pound	399.5	5-31-43
Rumania	Leu	0.7	8-1-39
Salvador	Colon	40.0	5-31-43
Saudi Arabia	Riyal	30.1	5-31-43
South West Africa	Pound	396.5	5-31-43
Spain	Peseta	9.1	5-31-43
Spanish Africa	Peseta	9.1	5-31-43
Spanish Atlantic Islands	Peseta	9.1	5-31-43
Surinam (Netherlands Guiana)	Guilder	52.5	5-31-43
Sweden	Krona	23.8	5-31-43
Switzerland	Franc	23.3	5-31-43
Syria	Pound	45.5	5-31-43
Tangier	Peseta	9.1	5-31-43
Thailand (Siam)	Baht	35.7	12-1-41
Tunisia	Franc	2.3	8-1-39
Turkey	Pound	77.5	5-31-43
Union of South Africa	Pound	398.0	5-31-43
Union of Soviet Socialist Republics	Ruble	18.8	5-31-43
United Kingdom	Pound	402.5	5-31-43
Uruguay	Peso	52.6	5-31-43
Venezuela	Bolivar	29.8	5-31-43
Yugoslavia	Dinar	2.3	8-1-39

* Listed separately are Spanish Africa and Spanish Atlantic Islands (Canary Islands).

† Listed separately is South West Africa.

‡ England, North Ireland, Scotland, and Wales are included under the United Kingdom. Listed separately are Anglo-Egyptian Sudan, Bahamas, Bermuda, British Arabia, British East Africa, British Guiana, British Honduras, British Malaya, British Mediterranean Possessions, British West Africa, British West Indies (not otherwise listed), Burma, India, Hong Kong, Jamaica, Newfoundland, Palestine, and Rhodesia. Also listed separately are the British Dominions.

Section XI—Instructions for Series C— Report of Interests in Primary Allied Organizations

1. Purpose of form—A. General. Series C shall be used to report on Form TFR-500 with respect to interests in primary allied organizations, as defined below. A separate report must be filed with respect to each such organization which was allied with the reporter. Particular care should be taken to insure that a report on Series C is filed as to each primary allied organization listed under question 2 in Part B of Series A and conversely that each such organization reported on Series C is listed under the question.

B. Definition of "primary allied organization." "Primary allied organization" shall mean a foreign organization allied with a person without the interposition of any other foreign organization, but without regard to the interposition of organizations subject to the jurisdiction of the United States. Thus, a primary allied organization will in every case have been directly controlled or substantial part of its securities or other obligations will have been directly owned by some person subject to the jurisdiction of the United States or by such a person and one or more of his affiliates subject to the jurisdiction of the United States, but the organization will also be a primary allied organization with respect to any other person subject to the jurisdiction of the United States who is allied with the foreign organization through the first domestic person or persons. Concerning the meaning of the term "allied foreign organization," attention is directed to subsection 4 in section II of this circular.

C. Series C Supplement. Report must be made on Series C Supplement respecting every organization, domestic as well as foreign, allied with the reporter through a primary allied organization. Detailed instructions concerning such reports are provided in section XII of this circular. If a foreign organization is allied with the reporter both as a primary allied organization and through another foreign organization, report shall be made on both Series C and Series C Supplement, respectively.

D. More than one person allied with a foreign organization. Every person allied with any foreign organization is fully responsible for all reports required of him concerning the organization even though other persons are also obligated to file reports. Each person must without exception furnish a reference on Series A concerning the organizations allied with him. However, only one person allied with a foreign organization need file a full report regarding the organization, provided that the report includes all material information available to each person allied with the organization. Except as required in the following paragraph, each other person allied with such an organization need only show on Series A his connection with the person filing the full report. All persons other than the one reporting in detail remain liable for the full report, including its completeness and correctness. Any person, therefore, who does not himself report fully should ascertain that the required report is being made and is complete and correct.

Every person allied with a foreign organization who had an immediate ownership interest in the organization or any of its obligations, must report the interest, regardless of its size, on Series B and Series C. On such a report no answer need be given to questions 5 through 12 in Part B, provided that some other person files a full report in accordance with the preceding paragraph of this subdivision. The financial statements which are submitted in answer to question 12 in Part B by the person making the full report on Series C must be substantially the same as those which would be submitted by the person giving a partial report. If the foreign organization has furnished different financial statements for the same fiscal period to the several reporters involved, or if the several reporters regularly translate the same statements into United States dollars in different manners, each reporter must answer question 12 fully and must use the statement furnished to him in answering Part C. Each partial report should bear under question 5 in Part B a statement in the following form: "Reference is made to the report respecting the foreign organization filed by _____" with the name and address of the person filing the complete report.

For example, if X, Y, and Z were allied with a certain foreign organization, but only Z had an immediate ownership interest in the organization, each of the three persons must file a report on Series A showing his connection with the organization but only Z need file a full report respecting the organization. X

* Listed separately is the Belgian Congo.

† Listed separately are Algeria, French Equatorial Africa, French Guiana, French India, French Indo-China, French Morocco, French Oceania, French Somaliland, French West Africa, French West Indies, Madagascar, Syria, and Tunisia.

‡ Listed separately are Italian East Africa (comprising Eritrea and Italian Somaliland) and Libya.

§ Listed separately are the Netherlands East Indies, Netherlands West Indies, and Surinam (Netherlands Guiana).

¶ Listed separately are Angola, Mozambique, Portuguese Guinea, Portuguese India, and Portuguese Atlantic Islands (comprising the Azores, Madeira, and Cape Verde Islands).

and Y may rely on his report. However, X and Y remain equally responsible with Z for the completeness and correctness of the detailed report. If, on the other hand, each of the three persons had an immediate ownership interest in the foreign organization, each must report his interest on Series B and Series C as well as on Series A, but all other required information and reports concerning the foreign organization need be submitted only by one of the three persons.

When a person is allied with a foreign organization without immediate ownership interest, as by control through an intermediate organization, and such person himself reports on Series C, all of Part C and Part D must be left entirely blank. These portions of the form are to be answered only by persons having an ownership interest in a foreign organization or its obligations. In addition no report concerning the organization should be made on Series B.

E. Branches. If a person reporting regularly treats different offices or agencies in a particular country as separate branches, they shall be regarded as such in making reports, but if several offices or agencies in a country are regularly treated as constituting one branch, they may be so regarded in reporting.

2. Report number and jurisdiction.—A. Report number. All reports on Series C submitted by any person must be numbered consecutively in the space provided in the upper right-hand corner of the form, beginning with the number 1.

B. Jurisdiction. Enter in this space the name of the foreign jurisdiction in which the foreign organization with relation to which the particular report on Series C is being rendered was located. The location of a foreign organization should be determined in accordance with subsection 2 in section IX of this circular. When a foreign country, or a country and its colonies, is divided into more than one jurisdiction, an organization created or organized under the laws of the country itself shall be regarded as located in the jurisdiction where its head office was situated, but if the organization had property in other jurisdictions within that country, it may be necessary to file additional reports on Series C Supplement pursuant to section XII.

3. Part A. The name and address given in answer to this Part must be exactly the same as those stated under questions 1 and 2 of Part A in both Series A and Series B.

4. Part B—A. Question 4—(1) Question 4 (a). Enter the English word denoting the type of organization, e. g., "corporation," "association," "partnership," followed by the exact designation, unabbreviated, of the type of organization in the laws of the jurisdiction under which the organization was created or organized, e. g., "limited company," "aktiengesellschaft," "société anonyme," etc. In the case of a branch, enter merely the English word "branch."

(2) Question 4 (b). Respecting a branch, report the date it was opened.

B. Question 5. Enter a brief but definite description of the business carried

on by the foreign organization, e. g., "manufacturing electric irons" or "retailing hardware made in the United States."

C. Question 6. Under *nature of property* list the plants and other properties which are significant in the affairs of the organization, regardless of whether they are situated in a jurisdiction (including the United States) other than that in which the organization is located. Do not list minor properties, such as miscellaneous parcels of real estate. Under *location* state the place and jurisdiction in which the items are located. Under *ownership status* show whether the items are owned by the allied organization, leased, held under purchase option, or possessed in some other manner. Under *book value of item* give the approximate gross value at which each item is carried on the books of the foreign organization. The amount should be shown in the currency in which it is regularly carried on the books of the organization. Accrued depreciation need not be taken into consideration.

In the case of intangibles and financial securities, state under *nature of property* the general nature of the property held in any particular account, e. g., "stocks and bonds in custody account" or "demand deposit," but do not describe each item in the account. Ignore minor accounts of any nature. In other respects apply the instructions in the preceding paragraph as appropriate.

D. Question 8. Attention is directed to the definition of "secondary allied organization" set forth by Instruction 1 in section XII of this circular.

E. Question 11. With respect to each item, list first the persons interested on May 31, 1943, and indicate with the name of each person previously interested the date on which his interest ceased. In reporting a franchise or concession, include the name and address of the particular governmental agency by which the grant was made. In addition, state the names and addresses of any foreign persons interested in the franchise or concession.

F. Question 12—(1) Currency. The required balance sheet and statements are to be set forth (a) in the currency customarily used by the foreign organization, and (b) in United States dollars. Foreign currency amounts should be translated to United States dollar equivalents in the manner regularly used by the reporter in translating statements of the particular foreign organization. The method of translation must be described clearly, with a statement of the rates used, the source of such rates, and a description of any treatment applied to fixed asset, reserve, or other accounts. The exchange rates specified by section X in this circular shall be used in making the translation *only* if the reporter does not regularly translate statements of the foreign organization into dollars.

(2) Date. The statements required under this question shall be as of the date used in Part C.

5. Part C—A. Reporting date. With respect to persons reporting on Series A-II, the information given in answer to this part shall be of the same date as the statements submitted under question

3 in Part B of that series. If statements concerning a particular foreign organization are not available as of that date, the reporter may submit the latest statements dated before May 31, 1943. When information required to be taken from the books of the reporter cannot feasibly be given as of the date of the statements of the foreign organization, a date as near as possible may be used, provided a clear explanation is supplied.

B. Date acquired. State the date or dates upon which the property reported was acquired, except that where purchases had been made or balances in inter-company accounts had been accumulated over a period, it will suffice to show the date of the earliest and latest transactions, with the dates and amounts of any important transactions occurring in the interim.

C. Percent owned. Show here the percentage owned by or owed to the reporter of the total amount of property of each kind reported.

D. Cost. Cost shall mean the original cost of property to the reporter at the date of acquisition without any deductions, either direct or through the medium of reserves, for depreciation, obsolescence, depletion, or revaluation, but excluding the cost of any portion of the property disposed of before the reporting date. If an investment is carried on the books at any amount other than the original cost at the date of acquisition, the original cost is to be reported but the differences must be explained under question 1 in Part E.

E. Value per books of foreign organization. In column (4) enter the value of the property held by the reporter as appears by the books of the foreign organization being reported, in the currency in which such books are regularly kept, deducting reserves for depreciation, obsolescence, depletion, or revaluation. The amounts shown in this column should be reconcilable by percentage calculation with the balance sheet filed under Part B. In column (5) enter the United States dollar equivalents of the amounts stated in column (4), converted in accordance with section X in this circular and *not* by the method, if any, regularly used by the reporter.

F. Space insufficient. Whenever more than one item should be reported with respect to any space in the table, attach clearly labelled sheets showing the items and enter in the table merely the appropriate totals or outside dates, as the case may be.

G. Branches. The reporter's investment in each branch shall be shown so as to reflect the total investment therein regardless of the methods of bookkeeping actually used. Where the reporter's practice has been to include all transactions with the branch in one account on the home office books no adjustment will be necessary. However, when any deviation from this procedure has occurred, appropriate memorandum adjusting entries should be applied to the reporter's and the branch's accounts. For example, adjusting entries should be applied in the event that property attributable to the branch, if it were an independent enterprise, has been carried on the books

of the reporter as part of the reporter's general property.

The values to be entered will be as follows:

Column (3). Cost in United States dollars shall be considered to be the balance at which the branch account, stated in accordance with the standards set forth in the preceding paragraph, appears on the books of the reporter. A debit balance shall be shown without special distinguishing marks, but a *credit balance* shall be preceded by the symbol *CR.*, which should also be carried to series B.

Columns (4) and (5). "Value per books of foreign organization" shall be the balance at which the branch carries its accounts with the home office, adjusted in accordance with the same standards as those applied to the reporter's accounts. A credit balance shall be shown without special distinguishing marks, but a *debit balance* shall be preceded by the symbol *DR.*, which should also be carried to Series B.

6. Part D. In column (3) enter the United States dollar equivalents of the amounts stated in column (2) converted in accordance with section X in this circular and *not* by the method, if any, regularly used by the reporter.

Intercompany notes, advances, and accounts due from the foreign organization to the reporter shall be shown in this part, and not in Part C.

Section XII—Instructions for Series C Supplement—Report of Interests in Secondary Allied Organizations

1. Purpose of form—A. General. Series C Supplement shall be used to report on Form TFR-500 with respect to interests in secondary allied organizations, as defined below. A separate report must be filed with respect to each such organization. Particular care should be taken to insure that a report on Series C Supplement is filed as to each secondary allied organization listed under question 2 in Part B of Series A and question 8 in Part B of Series C, and conversely, that each such organization reported on Series C Supplement is listed under both of the questions.

B. Definition of "secondary allied organization." The term "secondary allied organization" means (1) any foreign organization allied with the reporter, other than a primary allied organization and (2) any organization subject to the jurisdiction of the United States which was controlled, directly or indirectly, by a foreign organization allied with the reporter or with the reporter and one or more of his affiliates subject to the jurisdiction of the United States, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, or other ownership interest wherein, were owned or controlled, directly or indirectly, by such a foreign organization.

C. Branches of primary allied organizations. A report on Series C Supplement must be submitted with respect to each branch of a primary allied organization in a jurisdiction different from that in which the head office of the

organization was located. If the organization was organized in one jurisdiction and had a substantial part of its assets in another, it shall be deemed to have had a branch in the latter, regardless of whether the organization regularly considered itself to have such a branch.

D. More than one person secondarily allied with one organization. When more than one person was secondarily allied with an organization through a particular primary or secondary allied organization, only one person need actually report on Series C Supplement, provided that the report includes all material information available to each person allied with the organization. All persons other than the one reporting in detail remain fully liable for the detailed report, including its completeness and correctness. Any person, therefore, who does not himself report should ascertain that all required reports are being made and are complete and correct.

2. Part A. The name and address given in answer to this part must be exactly the same as those stated in questions 1 and 2 of Part A of the respective reports on Series A, Series B, and Series C.

3. Part B. If the organization respecting which the report is being made is allied with the reporter through more than one allied foreign organization or other allied organization, state on the form the name and address of the organization immediately allied with the secondary allied organization and attach a sheet showing in detail the connections of all the organizations, including those named on the form.

4. Part C—A. Question 1 and question 2. The name and address given in answer to these questions must be exactly the same as those stated in answer to question 8 in Part B of Series C.

B. Questions 4 through 10. These questions should be answered in accordance with the instructions given for the corresponding questions under Part B of Series C.

C. Question 11—(1) Currency. The required balance sheet and statements are to be set forth (a) in the currency customarily used by the secondary allied organization, and (b) the currency customarily used by the intermediate organization named in Part B. The amounts under (b) should be translated from the amounts under (a) in the manner regularly used by the intermediate organization in translating statements of the particular allied organization. The method of translation must be described clearly, with a statement of the rates used, the source of such rates, and a description of any treatment except direct translation applied to fixed assets, reserve, or other accounts. If the translation is ordinarily made into United States dollars, the materials required under (b) above should be given in terms of such dollars, with similar information as to method of translation. When no translation is regularly made, the amount should be converted by the use of an exchange rate derived from the ratio of the rates derived for the two respective jurisdictions stated in section X in this circular.

(2) Date. With respect to persons reporting on Series A-II, the statements required under this question shall be of the same date as the statements submitted under question 3 in Part B of that series. If statements respecting a particular allied organization are not available as of that date, the reporter may submit the latest statements dated before May 31, 1943.

5. Part D. This part should be answered in the same manner as Part C of Series C, except that all data shall concern the relationship between the foreign organization respecting which report is being made and the intermediate organization. The entries in column (3) "Cost" shall be taken from the books of the intermediate organization. Amounts entered in column (5) should be derived from amounts entered in column (4) by translation in the manner specified under subsection 4C of this section.

6. Part E. Amounts entered in column (3) should be derived from amounts entered in column (2) by translation in the manner specified under subsection 4C of this section.

Intercompany notes, advances, and accounts due from the secondary allied organization to the organization named in Part B shall be shown in this part, and not in Part D.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-9000; Filed, June 3, 1943;
9:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-317]

GRANITE CITY TOOL CO.

Granite City Tool Co., Inc., Barre, Vermont, is a manufacturer of chisels and caulking tools for the Navy and Maritime Commission and also manufactures tools for the granite industry. Despite the fact that the company was a Class 1 producer as defined in Priorities Regulation No. 11, during the third and fourth quarters of 1942 it never filed an application under the Production Requirements Plan for either of these quarters. Furthermore, the company extended ratings which it had received from its customers to purchase orders for steel and other materials. These acts constituted violations of Priorities Regulation No. 11.

Although the company was not familiar with the requirements of the Production Requirements Plan during the third quarter of 1942, it was definitely informed of these requirements in the fourth quarter but nevertheless con-

tinued to operate in wilful disregard thereof.

These violations of Priorities Regulation No. 11 have hampered and impeded the war effort of the United States by interfering with the controls established by the War Production Board for the distribution of critical materials. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.317 *Suspension Order S-317.*

(a) Granite City Tool Co., Inc., its successors and assigns, shall not cut, process, or assemble any iron or steel or products containing iron or steel except to fill purchase orders of the United States Navy or the United States Maritime Commission, or except as specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Granite City Tool Co., Inc., from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on June 6, 1943, and shall expire on October 6, 1943, at which time the provisions contained in this order shall be of no further effect.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9027; Filed, June 3, 1943;
4:55 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-331]

STOVER BEDDING AND MANUFACTURING CO.

Stover Bedding and Manufacturing Company, Salt Lake City, Utah, is a partnership composed of Walter Stover and his wife, Martha Stover, which is engaged in the business of manufacturing and assembling innerspring mattresses, box springs, studio couches, and other furniture products. From September 1, 1942, to December 31, 1942, the company assembled 490 mattresses containing iron and steel valued at approximately \$9,600 and from November 1, 1942, to December 31, 1942, assembled 700 studio couches containing iron and steel valued at approximately \$29,750 in violation of Limitation Order L-49. During this period the company was familiar with the terms of Limitation Order L-49 and its violations thereof were wilful.

These violations of Limitation Order L-49 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.331 *Suspension Order S-331.*

(a) Walter Stover and Martha Stover, doing business as Stover Bedding and Manufacturing Company or otherwise, their successors and assigns, shall not process, fabricate, work on, assemble, sell, transfer, deliver, or deal in any bedding products (as defined in Limita-

tion Order L-49), except with the written approval of the Regional Compliance Chief, Denver Regional Office, War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Walter Stover and Martha Stover, doing business as Stover Bedding and Manufacturing Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect June 7, 1943, and shall expire on September 7, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9028; Filed, June 3, 1943;
4:55 p. m.]

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES
SYSTEM

[Priorities Regulation 3, as Amended June 4,
1943]

UNIFORM METHOD OF APPLICATION AND EX-
TENSION OF PREFERENCE RATINGS

§ 944.23 *Priorities Regulation 3—(a)*
Definitions. For the purposes of this
regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the War Production Board, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the War Production Board, and includes the initial issuance by any governmental agency, under authority of the War Production Board, of a preference rating certificate rating a delivery or the use of facilities directly to or for such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Any person may apply a preference rating assigned to him by any regulation, preference rating certificate or preference rating order issued to him in his name or as one of a class, and, subject to the provisions of this regulation, any person may extend any rating which has been applied or extended to deliveries to be made by him.

(2) A preference rating may be applied by a person to whom it is assigned only to the specific quantities and kinds of material authorized (or to the minimum required amounts of material when no specific quantities are authorized) or to the particular use of facilities specified.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Restrictions upon the application or extension of ratings for the use of facilities.* Ratings may be applied or extended to obtain the use of facilities only, in the following cases:

(1) A rating which has been specifically assigned by the War Production Board to permit a named person to obtain the use of specified facilities only may be applied only by the person named and only to obtain the use of the specified facilities.

(2) When a person is authorized to apply or extend a rating to obtain material which he will deliver (or which will be physically incorporated in material to be produced or delivered) he may apply or extend the same rating to obtain the processing by a concern regularly engaged in such business of the material to be produced or delivered or of material which will be physically incorporated therein, regardless of the fact that the material to be so processed may be the property of the customer for whom the processing is to be done. As used in this paragraph (c) (2) the term "processing" includes manufacturing and fabricating operations which are incidental to the production of finished material, but does not include processing of goods after their production is completed. For example, it includes industrial dyeing for manufacturers when such dyeing is incidental to the preparation of goods or material for sale but does not include the dyeing of clothing after it has been sold by the manufacturer.

(3) A person to whom a rating has been applied or extended pursuant to paragraphs (c) (1) and (2) to obtain the use of his facilities only may not extend the rating for any purpose. The person applying or extending a rating for the use of facilities only shall place upon the purchase order an endorsement substantially as follows: "For the use of facilities only; may not be extended by you for any purpose".

(d) *Extension of ratings for material.* The following provisions of this paragraph (d) shall be applicable to all extensions of preference ratings originally applied by any person to obtain deliveries of material, notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (d), nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies.

(e) *CMP Regulation 3 and Priorities Regulation 11.* Nothing contained in paragraphs (b) or (d) above shall be deemed to enlarge or limit or to alter in any way any of the provisions or restrictions contained in CMP Regulation 3 (§ 3175.3) or Priorities Regulation 11 (§ 944.32).

(f) *Restrictions upon application and extension of ratings.* The following provisions are designed to eliminate or limit the use of preference ratings with respect to certain materials and products as to which such use is inappropriate because of adequate supply, specialized needs or other particular factors:

(1) *Items as to which preference ratings have no effect: List A.* Any item on List A attached to this regulation may

be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) *Items to which MRO ratings do not apply: List B.* Items on List B attached to this regulation are not subject to preference ratings assigned by any regulation or order of the War Production Board for maintenance, repair or operating supplies (including CMP Regulation 5 and CMP Regulation 5A), and no person shall apply or extend any such rating for such a purpose. Ratings assigned for purposes other than maintenance, repair and operating supplies may, however, be used to acquire items on List B. If any person receives an order for any item on List B bearing a rating assigned for maintenance, repair or operating supplies (as shown by the symbol MRO or other prescribed identification, or which he otherwise knows to have been assigned for that purpose) he shall not give effect to such rating, and such rating shall be void.

(3) *Illustration.* A manufacturer of a product listed on Schedule II of CMP Regulation 5 is assigned a rating of AA-2 for operating supplies. He may not use the rating to buy wooden shelving for his own use since it is on List B. A contractor has received an order bearing a rating of AA-3 to install wooden shelving in an Army camp. He may extend that rating to obtain the wooden shelving from the manufacturer since in this case the shelving is production material as to him and not operating supplies. If, however, wooden shelving were on List A instead of List B, neither rating could be used.

(4) *Items to which only ratings assigned under specified orders apply: List C.* No person may apply or extend any preference rating to the delivery of any item on List C attached to this regulation, unless the rating is assigned or authorized by the particular order specified after that item on the list. No person shall give any effect to any rating in delivering any such item unless the purchase order bears the specific endorsement or certification required by the order assigning the rating; or, if no such endorsement or certification is required by the order, unless the purchase order bears a notation substantially as follows: "This rating has been assigned by Order No. _____".

(g) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or order by endorsing on or attaching to it a certification in substantially the form prescribed by CMP Regulation No. 7 (Section 3175.7), or substantially as follows, if preferred:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit)

(Address)

By (Signature and Title of Duly Authorized Officer)

(Date)

The certification which is used shall be signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for that purpose.

(ii) On a purchase order placed by telegraph, by including in the telegram the following abbreviated certification: "Ratings certified". The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of either certification authorized in subdivision (i) of this paragraph (g) (1): provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within fifteen days after placing the purchase order confirmation in writing describing the material ordered and bearing a certification of such preference rating substantially in one of the forms authorized by subdivision (i) of this paragraph (g) (1). No preference rating received by telephone shall be extended by the supplier to replace in inventory any material delivered, until receipt by the supplier of the written confirmation herein required. On or before the twentieth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, in-

cluding purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (g), any person applying or extending a preference rating shall include on his purchase order or contract such information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the War Production Board and

which the person placing the purchase order is able to furnish.

(h) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (d) and (g) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the War Production Board assigning the preference rating in question or regulating transactions in the material or the use of the facilities involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material or facilities.

(i) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Director of Priorities, the Director of Industry Operation or the Director General for Operations are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the War Production Board. All certificates and all existing orders of the Director of Priorities, the Director of Industry Operations and the Director General for Operations are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

NOTE: Former paragraphs (e) and (f) redesignated (h) and (i) June 4, 1943.

Issued this 4th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to preference ratings of any kind:

1. Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry, as petroleum industry is defined in Preference Rating Order P-98-b:
 - a. Anti oxidants (gum inhibitors) for motor fuels.
 - b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.
 - c. Chemical additives and compound bases for hypoid gear oils.
 - d. Synthetic catalysts for oil cracking operation.
 - e. Synthetic catalysts for cumene and codimer manufacture.
 - f. Synthetic catalysts for petroleum isomerization operations.
 - g. Synthetic catalysts for petroleum sweetening operations.
2. Communications services.
3. Dental burs.
4. Dental units and dental chairs.
5. Electric energy.
6. Flatware.
7. Gas, manufactured.
8. Gas, natural.
9. Petroleum—restricted products as defined in Order M-201.
10. Steam heating, central.
11. Sterilizer equipment, as defined in Order L-266.
12. Track-laying Tractor Repair Parts (See Limitation Order L-53-b).

LIST B

Preference ratings assigned to the delivery of maintenance, repair and operating supplies may not be used to obtain the following items:

1. Anti-freeze, all types.
2. Automotive maintenance equipment as defined in Limitation Order L-270.
3. Automotive replacement batteries as defined in Limitation Order L-180.
4. Automotive replacement parts as defined in Limitation Order L-158.
5. Cellophane and cellulose acetate film less than three one thousandths (0.003) of one inch thick, or cellulose caps or bands of any gauge.
6. Chinaware.
7. Clocks and watches.
8. Construction machinery costing in excess of \$100.00.
9. Containers, fabricated, other than shipping reels and skids (in knock-down or set-up forms whether assembled or unassembled) required for packaging products to be shipped or delivered, including but not limited to:
 - a. Cans, as defined in Order M-81.
 - b. Closures for glass containers.
 - c. Corrugated and solid fibre sheets not constituting "shipping containers" or "parts" as defined in Order P-140.
 - d. Fibre cans, fibre tubes (except shell containers), fibre bottles, and fibre mailing cases.
 - e. Folding and set-up boxes (paperboard).
 - f. Glass containers.
 - g. Grocers and variety bags.
 - h. Gummed stay and sealing tape, paper and cloth.
 - i. Ice cream cans (paperboard), and paraffin cartons and pails.
 - j. Paper and paperboard bottle caps, closures and hoods.
 - k. Paper cups and paper food containers.
 - l. Paper milk containers.
 - m. Paper shipping sacks.
 - n. Specialty bags and envelopes, including bags partly or wholly made of transparent films.
 - o. Textile bags.
10. Cutlery, as defined in Limitation Order L-140.
11. Enameled ware, as defined by Limitation Order L-30-b.
12. Filing Cabinets, wooden.
13. Fire protective equipment, including
 - a. Couplings, playpipes and allied fittings;
 - b. Fire hose, hose dryers, racks and reels;
 - c. Fire hydrants;
 - d. Fire pumps;
 - e. Fire sprinkler systems;
 - f. Foam generators;
 - g. Indicator posts;
 - h. Lightning rod systems;
 - i. Piped extinguishing systems;
 - j. Portable fire extinguishers;
 - k. Stirrup pumps;
 - l. Water spray nozzles.
14. Frying pans.
15. Furniture for use in offices, factories or industrial establishments.
16. Galvanized ware, as defined by Limitation Order L-30-a (except for funnels, oil and gasoline cans having a capacity of from 1 to 5 gallons, inclusive, and flexible spout oil measures).
17. Glass tableware.
18. Glass tumblers.
19. Kitchen ware, heavy duty:
 - a. Bakery utensils;
 - b. Butcher blocks;
 - c. Butcher benches;
 - d. Canopies or hoods;
 - e. Carriers, food;
 - f. Carriers, tray;
 - g. Coffee mills and grinders;
 - h. Counters, cafeteria, lunch and serving;
 - i. Cutters, meat, bone and fish;
 - j. Counter protectors;
 - k. Cutters, french fry;
 - l. Dispensers, milk and cream;
 - m. Dough dividers;

- n. Dough troughs;
- o. Display racks;
- p. Knife sharpeners and grinders;
- q. Pans, cold;
- r. Potato mashers;
- s. Potato and vegetable parers or peelers;
- t. Racks, bread (bakery);
- u. Racks, pans (bakery);
- v. Racks, dump (bakery);
- w. Sandwich units;
- x. Slicers, meat and bread;
- y. Toaster stands;
- z. Trucks, food;
- aa. Tables, cooks, chef, salad and work;
- bb. Tables, soiled and clean dish;
- cc. Tables, bakers;
- dd. Tray stands;
- ee. Urn stands.
- 20. Kitchen household and miscellaneous articles, as defined by Limitation Order L-30-d.
- 21. Laboratory instruments and equipment (except ratings assigned by Preference Rating Order P-43 and P-98-b).
- 22. Lockers, wooden, for offices and factories.
- 23. Medical, surgical and dental equipment and supplies (except parts for the maintenance or repair of existing equipment), including:
 - a. Anaesthesia and oxygen equipment and accessories;
 - b. Atomizers;
 - c. Clinical thermometers;
 - d. Crutches;
 - e. Dental consumable supplies;
 - f. Dental equipment and appliances;
 - g. Diagnostic instruments and apparatus;
 - h. Electric light bulbs for diagnostic instruments;
 - i. Hearing aids;
 - j. Hospital and medical rubber drug sundries;
 - k. Hospital enamelware and stainless steel ware;
 - l. Hypodermic needles and syringes;
 - m. Operating and examining room furniture;
 - n. Operating and examining room lights;
 - o. Ophthalmic goods;
 - p. Orthopedic appliances including splints, belts and trusses;
 - q. Physical therapy equipment and supplies;
 - r. Sterilizers;
 - s. Surgical dressings;
 - t. Suture needles;
 - u. Sutures;
 - v. X-ray equipment and supplies.
- 24. Medical, surgical and dental instruments.
- 25. Medicinal preparations, including vitamins.
- 26. Photographic film, sensitized, as controlled by Order L-233.
- 27. Pails and tubs, wooden, including wooden mop pails.
- 28. Printing and publishing:
 - a. Printed matter including items such as letterheads, envelopes, forms and printed and ruled stationery;
 - b. Processed printing plates;
 - c. Type metal, stereotyping metal and electrotpe backing-metal;
 - d. Printing paper, paperboard and binders' board;
 - e. Book cloth;
 - f. Blankbook and loose-leaf binders, metal parts and units;
 - g. Mechanical bindings.
- 29. Signal and alarm equipment, including:
 - a. Central Station, proprietary, auxiliary and automatic fire alarms;
 - b. Watchman's time recording, burglar, bank vault, holdup and intrusion systems.
- 30. Utensils, cast iron, as defined by Limitation Order L-30-c.
- 31. Wooden factory and industrial equipment.
- 32. Wooden shelving.

- 33. Any device, equipment, instrument, preparation or other material designed or adapted for use in connection with:
 - a. Air raid warnings or detection of the presence of enemy aircraft; or
 - b. Blackouts or dimouts; or
 - c. The protection of civilians, either individually or collectively, against enemy action or attack.

LIST C

Only the ratings assigned or authorized by the particular orders specified may be used to obtain any of the following items:

- 1. Animal bristles and hair and products made primarily therefrom, M-328.
 - 2. Closures, apparel. M-328; P-131.
 - 3. Clothing, footwear, hats, gloves and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber or fabrics. M-328. This item is not intended to include the following types when specifically designed and used to furnish protection against specific occupational hazards (other than weather):
 - a. Asbestos clothing.
 - b. Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
 - c. Metal mesh gloves, aprons and sleeves.
 - d. Other safety leather gloves or mittens, but only if steel stitched or steel reinforced.
 - e. Plastic and fibre safety helmets.
 - f. Safety clothing impregnated or coated for the purpose of making the same resistant against fire, acids, other chemicals or abrasives.
 - g. Safety industrial leather clothing other than gloves or mittens.
 - h. Safety industrial rubber gloves and hoods and linemen's rubber gloves and sleeves.
 - 4. Combinations of cotton, wool or synthetic yarn, or cotton, wool or synthetic woven, felted, knitted or braided fabrics. M-73; M-148; M-166; M-298; P-131.
 - 5. Containers: "Shipping Containers" or "Parts" as defined in Order P-140. P-140.
 - 6. Cotton yarn or cotton woven, knitted or braided fabric. P-116; P-131; M-107; M-134; M-148; M-166; M-207; M-218; M-298; L-282.
 - 7. Dyestuffs. M-328.
 - 8. Eyelets, metal. M-328; P-131.
 - 9. Findings, shoe. M-328.
 - 10. Hides, skins, furs, leather and products made primarily from any of the foregoing, excepting transmission belting, hydraulic packing, mechanical and textile leather. M-328.
 - 11. Sponges. M-328.
 - 12. Synthetic yarn or synthetic woven, knitted or braided fabric. M-148; M-166; P-131.
 - 13. Tacks, cut steel. M-328.
 - 14. Textile or cordage fibers, (animal or vegetable) and products made primarily therefrom. M-328; M-85.
 - 15. Wool, wool yarn or wool woven, knitted, felted or braided fabric. M-73; M-148; P-131.
- [F. R. Doc. 43-9058; Filed, June 4, 1943; 11:41 a. m.]

PART 3124—HARD-FACING MATERIALS

[General Limitation Order L-223 as Amended June 4, 1943]

Section 3124.1 *General Limitation Order L-223* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain alloying elements for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3124.1 *General Limitation Order L-223*—(a) *Definitions*. For the purpose of this order:

(1) "Alloying element" means manganese, silicon, chromium, nickel, molybdenum, tungsten, vanadium, cobalt, tantalum, columbium, titanium, aluminum, tellurium, zirconium, magnesium, sodium, calcium, boron, and copper in any metallic form or combination with carbon, boron, or another metal.

(2) "Hard-facing material" means any material in any form containing 4 percent or more of any alloying element or combination of alloying elements or requiring more than 4 percent of any alloying element or combination of alloying elements for its manufacture, applied (normally by a fusion welding process, such as the oxy-acetylene, metallic-arc, atomic hydrogen, or carbon-arc process) as a coating, edge, or point to a metal for the purpose of providing a surface resistant to abrasion, corrosion, erosion, cavitation, heat, impact, or any combination of these. The term shall not be construed to include welding rods and electrodes used as a filler in joining two or more pieces of metal, or copper base materials.

(3) "Welding rods and electrodes" means either bare or flux-coated filler metal in the form of cut lengths, coils, or as cast, applied by a fusion welding process for the purpose of joining together two or more pieces of metal.

(4) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, merchant and naval ships, tanks and vehicles), and any parts, assemblies and materials to be physically incorporated in any of the foregoing items.

(5) "Producer" means any person making hard-facing material, or having hard-facing material made for sale by him under his own trade name, either after alteration, application of a coating or in the condition received. The term shall not be deemed to include steel mills producing rods for sale only to a hard-facing material producer.

(b) *Restrictions on delivery of hard-facing material*. Except pursuant to specific authorization in writing by the War Production Board no person shall deliver any hard-facing material, and no person shall accept delivery of any hard-facing material, except as follows:

(1) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA 4 or higher for the maintenance and repair of any of the following:

(i) Any machine or equipment used exclusively in the manufacture of any of the following: implements of war; wire and radio communication equipment; rubber; aviation gasoline; explosives; dry batteries; machine tools; cement; brick; chemicals; plastics; food processing equipment; industrial electric equipment; lumber; paper; abrasive grinding wheels; and tools to be used in mechanical fixtures for cutting, shaping, forming and blanketing of material, either hot or cold; and precision gauges.

(ii) Any machine or equipment used exclusively for any of the following: mining; excavating; dredging; quarrying; drilling, producing and refining of petroleum; harbors; highways; utility plants, including but not limited to electric light and power, gas, street railway, telephone, telegraph and cable communication, and water; railroads (including track repair); and primary metal processing (i. e. steel mills, foundries, brass mills, ferro-alloy plants, magnesium plants, and other metal plants).

(2) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA 4 or higher and to be physically incorporated into any of the following, or any part thereof: implements of war; valves; lathe centers; pumps; dredges; industrial electrical control equipment; equipment for production of welding electrodes; pneumatic hammers; wire and radio communication equipment; automotive replacement parts, as defined in Limitation Order L-158, as amended; chemical equipment; road machinery; Diesel engines; food processing equipment; oil well drilling equipment; and tools to be used in mechanical fixtures for cutting, shaping, forming and blanking of material, either hot or cold; and precision gauges.

(3) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA 4 or higher for the repair and maintenance of any agricultural tillage machinery and equipment, including but not limited to plow shares, cultivator shovels, harrow teeth and discs, except that hard-facing material for such applications shall contain as alloying elements only tellurium, titanium, boron, zirconium and, within the limits specified below, chromium, manganese and silicon:

Cr.....	13.0 max.
Mn.....	6.0 max.
Si.....	2.0 max.

(4) To fill any contract or purchase order for hard-facing material for research work or field tests in connection with any of the applications listed above, except that the total to be delivered for these purposes by any producer or to be received by any person shall not exceed 100 pounds of hard-facing material per month.

(5) For resale in accordance with the provisions of this paragraph (b).

(c) *Purchasers' statements.* On and after June 15, 1943, every purchase order for hard-facing material shall include the statement, "This is an order for 'hard-facing material' to be used for _____, which is a permitted end use under Limitation Order L-223," over the signature, either manual or as provided in Priorities Regulation No. 7, of a duly authorized officer of the purchaser, which will constitute a representation to the seller and to the War Production Board that the hard-facing material will be used only for the end use so specified, and may be relied on

by the seller unless he knows or has reason to believe it to be false.

(d) *Special directions.* The War Production Board may from time to time issue directions, specifying as to any alloying element, the quantities and proportions which may be used in making hard-facing material, and whether and in what proportions, any such element is to be the metal; a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(e) *Restrictions on inventory.* No person shall acquire hard-facing material if such acquisition will increase his supply of hard-facing material to more than a sixty-days' supply.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after June 4, 1943. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(g) *Producer's forms.* Each producer shall file monthly with the War Production Board, Ref. L-223, reports on Forms PD-734 and 735.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to: War Production Board, Steel Division, Washington, D. C., Ref.: L-223.

Issued this 4th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9059; Filed, June 4, 1943;
11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 9, as Amended June 4, 1943]

BRASS MILL AND WIRE MILL DIRECTION

The following direction is issued to all brass mills and wire mills pursuant to paragraph (t) of CMP Regulation No. 1:

Notwithstanding anything to the contrary contained in CMP Regulation No. 8, paragraph (e), or any other CMP regulation:

(a) (1) A brass mill may accept an authorized controlled material order for a brass mill product which he does not produce: *Provided*, That before accepting the order the mill has made arrangements to have the material called for by the order produced by another controlled materials producer.

(2) A wire mill may accept an authorized controlled material order for a wire mill product which he does not produce: *Provided*, That before accepting the order the mill has made arrangements to have the material called for by the order produced by another controlled materials producer.

(b) The brass mill or wire mill placing an order with another controlled materials producer pursuant to paragraph (a) of this direction shall extend the allotment number or symbol appearing on his customer's order. An order so placed shall constitute an authorized controlled material order.

(c) In no event shall a brass mill or wire mill placing an order with another controlled materials producer pursuant to this direction process the material covered by any such order in any manner whatsoever or report the order to the War Production Board as an order received or filled by him. However, the mill producing the order shall report acceptance and shipment on the forms provided for such purposes.

NOTE: Paragraph (a) amended June 4, 1943.

Issued this 4th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9060; Filed, June 4, 1943;
11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A as Amended June 4, 1943]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR GOVERNMENTAL AGENCIES AND INSTITUTIONS

§ 3175.5a *CMP Regulation 5A—(a) Purpose and scope.* (1) The purpose of this regulation is to provide for governmental agencies and for institutions a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Any agency or institution affected by this regulation requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4 or at retail without preference rat-

ings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to any governmental agency or to any institution to the extent that it is engaged in the following services or industries: gas, light, power, water or central heating for general use by the public, or to communications (in so far only as communications are provided for in Orders U-3 and U-4).

(3) *Governmental agencies and institutions in the Dominion of Canada.* The provisions of this regulation shall be available to those governmental agencies and institutions in the Dominion of Canada which may on application by the Department of Munitions and Supply, Ottawa, Canada, be authorized by the War Production Board to operate under it subject to such conditions as may be set out in the authorization. Any such agency or institution in Canada receiving such authority shall use the following certification instead of any certification prescribed in this regulation, and shall not use the alternative form of certification prescribed in CMP Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Board Regulations, to the seller, to the Canadian Priorities Officer, and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized, under applicable Canadian orders, and under applicable War Production Board regulations or orders, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

(4) The provisions of this regulation shall not apply to Claimant Agencies as defined in CMP Regulation No. 1, except to such extent as may be specifically provided by order of the War Production Board. Any Claimant Agency which desires that this regulation be made applicable to any of its departments or activities may make application therefor by letter in triplicate addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

NOTE: Paragraph (3), formerly paragraph (p), redesignated June 4, 1943.

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation.

(1) "Governmental agency" means any governmental agency in the United States, its territories or possessions, federal, state, county, municipal or local except any agency specifically excluded from this regulation by order of the War Production Board. The term also includes any governmental agency in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(2) "Institution" means any institution within the United States, its territories or possessions, public or private, including but not limited to, schools, colleges, libraries, hospitals, welfare establishments and churches, and also includes any institution in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(3) "Educational institution" (see Schedule II) means, (i) any elementary or secondary school, and any college or university maintained and operated by any state or any political subdivision thereof, including school districts and cities, or by any agency of the Federal Government, its territories or possessions, or the District of Columbia;

(ii) Any other school, college or university which offers a curriculum substantially the same as that offered by a school, college or university maintained and operated by any state or any political subdivision thereof or the District of Columbia;

(iii) Any school, college, or university which is conducting one or more of the following programs as established and supervised by the United States Office of Education:

(a) Vocational Education for War Production Workers,

(b) Engineering, Science and Management War Training,

(c) Rural War Production Training;

(iv) Any school, college or university, which pursuant to letter of intent from, or contract with, the Army or Navy of the United States is engaged in housing, feeding or training any unit of military personnel;

(v) Any school, college or university which is specifically authorized by the War Production Board to operate under this regulation as an educational institution. Application for such authorization shall be by letter in triplicate stating the relevant facts addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

(4) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided*, That neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design, except as provided in paragraph (b) (6) of this regulation.

(5) "Operating supplies" means any material or product which (i) is essential

for conducting any activity or rendering any service by any governmental agency or by any institution and (ii) is consumed in the course of conducting such activity or rendering such service and (iii) does not constitute capital equipment. Materials included in any finished product produced by a governmental agency or an institution which are normally chargeable to operating expense may also be treated as operating supplies.

(6) Minor capital additions may be obtained under the procedures provided for in this regulation for obtaining maintenance, repair and operating supplies where the cost of the minor capital addition does not exceed \$100 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction, authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

NOTE: Paragraphs (3), (4) and (5) redesignated (4), (5), (6), and paragraph (6) revoked, June 4, 1943.

(7) Production material required by a governmental agency or an institution for physical incorporation in products manufactured by it, which products it sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed maintenance repair or operating supplies, as to such agency or institution.

(c) *Controlled materials*—(1) *Steel and copper.* Subject to the quantity restrictions contained in paragraph (f) of this regulation, any governmental agency or any institution engaged in any activity or rendering any service listed in Schedule I or Schedule II attached to this regulation, requiring delivery after March 31, 1943, of any controlled material (as defined in CMP Regulation No. 1) except aluminum, for maintenance, repair or operating supplies in the conduct of such activity or service, may obtain the same by placing on or accompanying its delivery order with substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO 5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A and

that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

An order bearing such certification shall constitute an authorized controlled material order.

(2) Aluminum. Any governmental agency or any institution engaged in any activity, or rendering any service listed in Schedule I or II, requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount of not to exceed 100 pounds from all sources during any one calendar quarter: *Provided*, That any order placed pursuant to this paragraph (c) (2) shall be endorsed with or accompanied by substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO-5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required for essential maintenance, repair or operating supplies to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A; that the use of other materials for such purpose is impracticable; and that the amount of aluminum covered by this order, together with all other amounts received by, or on order for delivery to, the undersigned, from all sources, for such purpose during the same quarter, will not exceed 100 pounds.

NOTE: Certification amended June 4, 1943.

Any producer or warehouse receiving an order bearing such certificate shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certificate to be false. An order bearing such certification shall constitute an authorized controlled material order.

(3) Any governmental agency or any institution engaged in any activity or rendering any service listed on Schedule I or II, which needs aluminum in any of the forms or shapes constituting a controlled material in amounts aggregating more than 100 pounds from all sources during any one calendar quarter for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: MRO. The letter should contain substantially

the information called for by paragraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol, and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (s) (3) of CMP Regulation No. 1 or in CMP Regulation No. 7, executed as provided in such regulations.

(d) Preference ratings for maintenance, repair and operating supplies. (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, and subject to the restrictions of paragraphs (a) (2) and (g) of this regulation, orders by any governmental agency or institution calling for delivery after March 31, 1943, of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA-1 for maintenance or repair of facilities required for any activity or service listed in Schedule I or for necessary operating supplies for such activity or service;

(ii) AA-2 for maintenance or repair of facilities required for any activity or service listed in Schedule II or for necessary operating supplies for such activity or service;

(iii) AA-5 for necessary maintenance or repair of facilities required for any activity or service not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.

(iv) For maintenance, repair and operating supplies for any building devoted primarily to any service or activity listed in Schedule I or Schedule II, the rating assigned to that service is hereby assigned.

(2) Any agency or any institution which maintains a central stores system where it is impracticable to charge purchases for inventory against a particular service or activity, may establish a scale of percentages for each rating, for each class of items, based upon withdrawals from the central stores system during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942) by the various agencies and institutions (and departments thereof) and may apply the appropriate percentage of each rating to its purchases for the central stores system.

(3) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

Preference rating ----- (specify rating):
MRO 5A. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance, repair or operating supplies; that

this order is rated and placed in compliance with CMP Regulation No. 5A and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(4) A delivery order bearing the above certification shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3. A person with whom a delivery order is placed bearing a preference rating assigned by this regulation may, subject to the limitations contained in CMP Regulations Nos. 1 and 2, extend the rating in the manner provided in CMP Regulation No. 3 (using the endorsement therein specified or the alternative form of certification provided in CMP Regulation No. 7).

(e) Departments engaged in several activities. If any governmental agency or any institution, or any department or unit thereof, is engaged in several activities which are not assigned the same preference rating and if it is impracticable to apportion maintenance, repair and operating supplies between such activities, the principal activity alone shall be considered for the purpose of determining whether controlled materials may be obtained under paragraph (c) of this regulation, and also for determining which preference ratings may be applied under paragraph (d).

(f) Quantity restrictions. (1) No governmental agency and no institution which uses the allotment symbol or preference ratings assigned by this regulation to obtain any maintenance, repair and operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding 30 percent of its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942), except that any governmental agency or any institution engaged in an activity which normally requires a greater amount of maintenance, repair or operating supplies during certain seasons than others may use such allotment symbol or preference ratings to order for delivery during any calendar quarter up to, but not in excess of, its aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any governmental agency or any institution use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). In determining the dollar amount of expendi-

tures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or ratings plus amounts expended in acquiring minor capital additions under paragraph (b) (6) of this regulation. Expenditures during the base period shall be computed in the same way except that amounts expended in acquiring minor capital additions during the base period shall not be included.

(2) A governmental agency or institution which has several departments, branches or units which maintain separate records of maintenance, repair and operating supplies, shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a governmental agency or an institution or any department thereof which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), such agency, institution or department may take, as a base, its expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when such agency, institution or department was in operation, reasonably adjusted for seasonal or other variable factors: *Provided*, That it first notifies the War Production Board in writing of the base which it is taking, the reasons therefor, and the nature of any adjustments made. In the case of a governmental agency, or institution or department thereof starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to \$500 per quarter. If more than this amount is required, application shall be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof by filing a letter in triplicate with the Government Division, War Production Board, Washington, D. C., stating the relevant facts.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable. The restrictions contained in subparagraphs (1), (2) and (3) of this paragraph (f) shall not apply

to any controlled material or other product or material for which a rating is assigned on Form PD-408, as provided in paragraph (g) of this regulation.

(5) The quantity restrictions in this paragraph (f) shall not apply to any governmental agency or any institution which during the calendar year 1942 (or fiscal year ending closest to December 31, 1942) used for maintenance, repair and operating supplies, materials of the aggregate value of not exceeding \$1,000 and whose estimated requirements for material to be used for maintenance, repair and operating supplies during any calendar year (or corresponding fiscal year) does not exceed \$1,000 provided that a practical working minimum inventory is not exceeded. If the actual requirements for maintenance and repair and operating supplies for such year should prove to be in excess of \$1,000 such agency or institution shall not, during such year, accept any deliveries of material to be used for maintenance, repair or operating supplies if such deliveries when taken together with other deliveries within such year would in the aggregate exceed \$1,000. In such case such agency or institution may apply for a specific quota pursuant to the provisions of paragraph (k) of this order.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons, to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same either larger or smaller than the limits provided in this paragraph (f).

Note: Paragraph (5) redesignated (6) June 4, 1943.

(g) *Restrictions on use of ratings by agencies and institutions using Form PD-408.* No governmental agency or institution and no branch, department or unit thereof, to which a rating for maintenance, repair and operating supplies is or may be assigned on Form PD-408, shall, during the calendar quarter for which such rating is assigned, use any rating assigned by this regulation to obtain maintenance, repair or operating supplies. Any such agency or institution which is authorized to obtain controlled materials (other than aluminum) on Form PD-408 for maintenance, repair and operating supplies, may place authorized controlled material orders for the amounts so authorized. Such orders shall be placed in the manner provided in paragraph (c) (1) of this regulation including the use of the certificate therein specified and the symbol MRO-5A-408. Any governmental agency or any institution which is authorized on Form PD-408 to obtain aluminum in any of the

forms or shapes constituting a controlled material, for maintenance, repair or operating supplies may place authorized controlled material orders within the limits of the quantities so authorized but not to exceed 100 pounds to be obtained from all sources during one calendar quarter pursuant to the provisions of paragraph (c) (2) hereof, by use of the certificate therein specified and the symbol MRO-5A-408. Application for aluminum in amounts aggregating more than 100 pounds from all sources during any one calendar quarter required by any governmental agency or any institution for use as essential maintenance, repair or operating supplies shall be made pursuant to the provisions of paragraph (c) (3) hereof. Any governmental agency or any institution which is assigned a preference rating on Form PD-408 for any material or product other than controlled materials, for maintenance, repair and operating supplies may, in applying such rating for the purchase of maintenance, repair and operating supplies, use the alternative standard certificate provided in CMP Regulation No. 7 with the symbol MRO-5A-408 and a delivery order bearing such certificate and symbol shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3. Any such agency or institution may, at its option, use the certificate specified in Priorities Regulation No. 3 without the symbol. The quantity restrictions prescribed in paragraph (f) of this regulation shall not apply to any quantities of controlled material authorized on Form PD-408, or to any other material or product for which a rating is assigned on Form PD-408 for maintenance, repair and operating supplies.

(h) *Special provisions relating to use of MRO symbol and preference ratings.*

(1) Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to franchise from, or contract with, any governmental agency, performs any service for such agency may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such service, which such governmental agency would be entitled to use if it performed such service itself. In computing quantity restrictions under paragraph (f) hereof such service shall be treated as if it were performed by a single department of such governmental agency.

(2) Any person (such as a service repair shop) engaged in the business of doing maintenance or repair work for

any governmental agency or any institution may use the same allotment symbol and preference rating to obtain materials needed in the performance of the work which such governmental agency or institution would be entitled to use if it did the work itself. The cost of materials used in the performance of maintenance or repair work shall be treated as expenditures of such agency or institution for the purpose of computing its quantity restrictions under paragraph (f). A person engaged in such business may, instead, request an allotment of controlled materials and a preference rating by applying to the War Production Board, on Form CMP 4-B, but if he does so he must use that method exclusively and may not use such customer's rating or symbol.

(3) Any governmental agency or any institution or any department, branch or unit thereof which is engaged in producing any product or conducting any business listed in Schedule I or Schedule II of CMP Regulation No. 5 may, to the extent, but only to the extent, that it is so engaged use the applicable rating assigned by CMP Regulation No. 5 and the symbol MRO-5A to obtain maintenance, repair and operating supplies required in conducting such business, but in so doing such agency or institution shall be deemed to operate under this regulation and shall be subject to all of the terms and provisions hereof.

(4) When any building is leased to a governmental agency or institution the landlord may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such building, which such governmental agency or institution would be entitled to use if it owned and maintained such building itself; but if the building is occupied by several tenants and the supplies are not for the benefit of a single tenant, the landlord may use a tenants' rating and symbol only if 75 per cent or more of the leased property is used in activities or services on Schedule I or II of this regulation, and in such case, unless all of such activities and services are listed in Schedule I, only the AA-2 rating may be used. In computing quantity restrictions under paragraph (f) hereof, such building shall be treated as if it were maintained by a single department of a governmental agency or institution.

(i) *Penalties for misrepresentation or diversion.* (1) The placing of any order bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80),

that the person placing the order is entitled, under the terms of this regulation to the use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than essential maintenance, repair or operations, any supplies obtained pursuant to this regulation, or use any supplies obtained under a preference rating assigned by this regulation for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(j) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any governmental agency or any institution to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase its inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board.

NOTE: Paragraphs (h) and (i) redesignated (1) and (j) June 4, 1943.

(k) *Additional assistance in individual cases.* Any governmental agency or any institution requiring maintenance, repair or operating supplies which is unable to obtain them with the rating assigned to it by this regulation, and any such agency or institution requiring any controlled material, except aluminum, for maintenance, repair or operating supplies which is not listed in Schedule I or II and which is unable to obtain it from a warehouse or distributor under CMP Regulation No. 4 may apply to the War Production Board on Form PD-1A for a higher rating, or the right to use the MRO symbol to obtain controlled materials, other than aluminum. Such form shall bear a notation to the effect that the material applied for is required for maintenance, repair or operating supplies and that applicant is operating under CMP Regulation 5A. Application for an increase in the quantity of expenditures for maintenance, repair and operating supplies permitted by paragraph (f) of this regulation, shall, however, be made by filing a letter in triplicate with the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A, stating the relevant facts.

(l) *Effect on other orders and procedures.* (1) The preference ratings assigned by this regulation shall supersede the preference ratings assigned by all orders in the "P" series for maintenance, repair and operating supplies with re-

spect to materials or products to be delivered after March 31, 1943, except as may be otherwise provided by amendments of such orders specifically providing to the contrary.

NOTE: Paragraph (k) redesignated (1) June 4, 1943.

(2) Subject to paragraph (1) (1) of this regulation, all of the terms, provisions and restrictions contained in all orders in the "P" series, including definitions, requirements for making applications and filing reports and other restrictions, except as otherwise provided in paragraph (f) (4) of this regulation shall, subject to the inventory restrictions of CMP Regulation No. 2, remain in full force and effect until modified or revoked, except that this regulation shall be wholly inapplicable to any activity or service covered by any "P" order if such "P" order specifically so provides.

(3) In addition, each governmental agency or institution which, in accordance with existing priorities procedures not covered by "P" orders, is required to file applications or reports with respect to its requirements for, or use of, maintenance, repair or operating supplies, or is limited in the amount of such supplies, which it is permitted to acquire or use, shall continue to comply with such procedures until the same are modified or revoked.

(4) When an order in the "E," "L" or "M" series assigns a specific preference rating to deliveries of any particular material to be used by a particular industry or for a specific purpose, such preference rating shall control and the preference ratings hereby assigned may not be applied. For example, Order M-41 assigns a rating of A-10 to deliveries of chlorinated hydrocarbon solvents for use in the fumigation of stored products, including grain. A person who needs a chlorinated hydrocarbon solvent for such purpose may apply a rating of A-10 to its delivery and must not apply a rating assigned by this regulation.

(5) Nothing in this regulation shall be construed to relieve any governmental agency or institution from complying with any applicable priorities regulation or order of the War Production Board (including orders in the "E," "L" and "M" series) or with any order of any other competent authority.

NOTE: Paragraph (4) redesignated (5) June 4, 1943.

(m) *Reclassification of activities.* Any governmental agency or any institution which is of the opinion that any activity in which it is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the Government Division, War Production Board, Washing-

ton, D. C., Ref: CMP Regulation 5A setting forth the relevant facts and the reasons why it considers such request should be granted. The War Production Board may cause such activity to be listed in one of the schedules attached to this regulation or, in special cases, may permit the applicant to operate under this regulation to the same extent as though its activity were included in one of such schedules.

(n) *Records.* Each governmental agency and institution or other person acquiring maintenance, repair or operating supplies pursuant to this regulation, shall keep and preserve for a period of not less than two years, accurate and complete records of all such supplies so acquired, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(o) *Communications.* All communications concerning this regulation should be addressed to: Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation No. 5A.

NOTE: Paragraphs (m) and (n) redesignated (n) and (o) and amended June 4, 1943.

(p) *Restriction on use of ratings.* The preference ratings and allotment symbol assigned by this regulation shall not be used contrary to the restrictions of Priorities Regulation No. 3, as amended, on the use of preference ratings to obtain delivery of the items set forth on Lists A, B and C attached to that regulation. A preference rating assigned by this regulation applied to the delivery of any item on List A attached to this regulation (CMP Regulation 5A) as amended May 15, 1943, shall have no effect regardless of when applied or extended.

Issued this 4th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: List A revoked June 4, 1943.

SCHEDULE I

PREFERENCE RATING AA-1

Item 3 amended and Item 11 added June 4, 1943.

Sewers—sanitary and sewage disposal.
Hospitals.
Refuse and garbage collection and disposal.
Communicable disease control.
Alcan, Panamerican and Trans-Isthmian highways.
Public transportation facilities.
Docks, wharves and terminals.
Police and law enforcement agencies.
Fire protection.
Beacons, markers, and radio devices employed as aids to navigation.
U. S. Post Office Department.

SCHEDULE II

PREFERENCE RATING AA-2

NOTE: Items 6, 10 and 11 added and Item 13 amended, June 4, 1943.

Streets and highways providing immediate access to military or war production facilities,

and the strategic network and its extensions into and through municipalities.

Federal aid system of highways.
Primary state highways, together with their extensions into and through municipalities and arterial streets and highways.

Airports and flight strips.
Dams, levees and revetments.
Drainage and irrigation.
Canals—waterways.
Flood control facilities.
Storm sewers.

Street lighting, by governmental agencies which are not engaged in the business of furnishing electric power for use by the public, except in cases where equipment is maintained by a utility company.

Supplying gas, water, electric power, or central steam heating, by a governmental agency, when such service is for its own use exclusively.

Public dispensaries, clinics and health stations, governmentally-owned or operated not for profit.

Penal institutions and prisons including prison industries.

Mine safety.

Printing and publishing.

United States Mint.

United States Bureau of Printing and Engraving.

Processing, warehousing, distribution, preparation, serving and inspection of food by Governmental agencies only.

Over-all administration including staff services, such as fiscal, procurement, personnel, etc., by Governmental agencies only.

Repairs made necessary by reason of any breakdown of plumbing, heating, electrical wiring or equipment, or elevator service in any building or to provide against imminent breakdown of any such facilities by Governmental agencies only.

Educational institutions.

INTERPRETATION 1

Interpretations of the various provisions of CMP Regulation No. 5 are equally applicable to the corresponding provisions of CMP Regulation No. 5A. In most cases, the provisions of the two regulations are similar although there are several important differences and, therefore, care should be exercised to ascertain that the provision of CMP Regulation No. 5 covered by a particular interpretation corresponds in substance to the provision of CMP Regulation No. 5A to which it is sought to be applied. (Issued April 20, 1943.)

INTERPRETATION 2

An association or corporation, operated not for profit, organized for the purpose of fighting and controlling forest fires, and which, through its employees, is actually engaged in the activity of fighting and preventing forest fires, may use the rating assigned by CMP Regulation 5A to the activity of "fire protection" to obtain maintenance, repair and operating supplies required for such activity, but excluding all items on List A of said regulation. (Issued May 10, 1943.)

[F. R. Doc. 43-9061; Filed, June 4, 1943; 11:42 a. m.]

Chapter XI—Office of Price Administration PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,¹ Amdt. 31]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and

¹ 7 F.R. 9160, 9392, 9724, 10072, 10336, 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2348, 2152, 2670, 2595, 2600, 2719, 3071, 3314, 3521, 3702, 3837, 4179, 4628, 4769, 4849, 5483, 5477, 5565, 6735, 6736.

has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respect:

Section 1315.602 (a) is amended to read as follows:

(a) Applications for certificates authorizing the acquisition of tires, tubes or recapping services (other than to establish, increase or replenish an emergency reserve) shall be filed with the Board having jurisdiction under § 1315.302 or § 1315.303 of Ration Order No. 1A. A separate application must be filed on OPA Form R-1 (revised) for each passenger automobile. One application may be made on OPA Form R-1 (revised) for all commercial motor vehicles or non-highway vehicles owned and operated by the same person, used for the same purposes and principally stationed or garaged at the same place. Such an applicant shall attach a statement to OPA Form R-1 (revised) stating the license number, state of registration, year, model, make and body-type of each commercial motor vehicle or non-highway vehicle for which application is made.

This amendment shall become effective June 9, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1Q, 7 F.R. 9121)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9030; Filed, June 3, 1943; 5:18 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Supplement 1¹ to RO 1A,² Amdt. 1]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1315.1851 is amended to read as follows:

§ 1315.1851 *Exceptions to eligibility in territories and possessions and transfers of used tires and used tubes.* (a) Whenever a Territorial Director determines that recapping facilities in the territory or possession under his jurisdiction are inadequate or unavailable, he may:

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 10993.

² 7 F.R. 9160, 9392, 9724, 10072, 10336, 8 F.R. 435, 606, 1585, 1628, 1629, 1839, 2030, 2348, 2152, 2670, 2595, 2600, 2719, 3071, 3314, 3521, 3702, 3837, 4179, 4628, 4769, 4849, 5483, 5477, 5565, 6735, 6736.

(1) Grant priority for recapping services to those persons holding certificates for recapping services whom he finds to be most essential to the public health, safety or the war effort.

(2) Authorize the war price and rationing boards in such territory or possession to issue certificates for new or used tires to persons eligible for recapping services under these regulations.

(b) Whenever a board in a territory or possession issues a certificate for a used tire, as provided in paragraph (a), the provisions of §§ 1315.701 to 1315.707, inclusive, of the revised tire rationing regulations shall govern the form, execution and use of the certificate, the transfer and acquisition of the used tire and the turning in of the replaced tire.

(c) (1) A dealer may transfer used tires to a consumer in exchange for a certificate authorizing such transfer.

(2) A dealer may in exchange for a certificate transfer to a consumer a used tube of the size and type set forth on the certificate.

(d) (1) A dealer may, in exchange for the replenishment portion (Part B) of a certificate for used tires issued pursuant to paragraph (a), transfer used tires to another dealer.

(2) A dealer may, in exchange for the replenishment portion (Part B) of a certificate for a tube, transfer a used tube to another dealer.

(e) The following transfers of used tires or used tubes may be made (without certificate) upon written authorization of the Territorial Director of the territory or possession having jurisdiction over the area in which the transferee is located:

(1) From a person, other than a dealer or manufacturer, to a dealer or manufacturer.

(2) From a retailer or recapper to a dealer or manufacturer.

(3) From a distributor to a wholesaler or manufacturer.

(4) From a wholesaler to a manufacturer.

This amendment shall become effective June 9, 1943.

(Pub. Law No. 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9034; Filed, June 3, 1943; 5:12 p. m.]

PART 1340—FUEL

[RPS 88¹ Amdt. 106]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4840.

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (c) (2) (i) is hereby revoked.

2. Section 1340.159 (c) (3) (xxii) is hereby revoked.

3. Section 1340.159 (c) (5) is added to read as follows:

(5) *Texas and Louisiana Gulf Coast Ports and New Orleans Area.*

MAXIMUM PRICES F. O. B. REFINERIES AND TANKER TERMINALS IN BULK LOTS AT THE TEXAS¹ AND LOUISIANA¹ GULF COAST PORTS AND AT THE NEW ORLEANS AREA^{2,3} SHIPPING POINTS

TABLE NO. 1

Products	Maximum price F. O. B. refineries and terminals—cents per gallon
Motor gasolines:	
80-82 octane, ASTM, ethyl grade.....	6.75
80 octane, '39 research, leaded (max. 2cc.).....	6.00
72-74 octane, ASTM, leaded.....	5.75
68-70 octane, ASTM, unleaded.....	5.75
65-67 octane, ASTM, unleaded.....	5.25
60-64 octane, ASTM, unleaded.....	5.00
Distillate fuel oils:	
Kerosene, water white (41 gravity and above).....	4.125
Range oil.....	3.875
No. 1 fuel oil.....	3.875
No. 2 fuel oil.....	3.75
No. 3 fuel oil.....	3.75
Gas oils:	
Diesel Index 58 and above.....	4.25
Diesel Index 53-57.....	4.125
Diesel Index 52 and below.....	4.00

1. Where delivery is into pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Schedule whichever may be higher.

2. Where delivery is into barge, pipe line (see note 5), tank car, motor transport or tank wagon for shipment to ultimate destinations other than in District 1, seller may charge prices in this Table or his maximum prices under other sections of this Schedule whichever may be higher.

3. New Orleans Area means Mississippi River ports up to and including Baton Rouge.

4. If Range Oil or No. 1 Fuel Oil conform to all of a particular seller's specifications for water white kerosene of 41 gravity and above the maximum price for such products shall be 4.125¢ per gallon for such seller.

5. Products delivered into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with District No. 1 termini shall be considered destined for District No. 1.

This amendment shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-9036; Filed, June 3, 1943; 5:12 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 299,¹ Amdt. 2]

SALES BY CANNERS OF TUNA, BONITO, AND YELLOWTAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1364.662 (c) is added to read as follows:

(c) Every processor, in connection with every first sale of each item of canned tuna, bonito or yellowtail made to every wholesaler and retailer after June 9, 1943, shall attach to each carton, case or container the following notice:

The Office of Price Administration has authorized us to inform you, that if you are a wholesaler or retailer pricing this item under Revised Maximum Price Regulation 237 or 238, that under section 23a of Revised Maximum Price Regulation 237 or section 20a of Revised Maximum Price Regulation 238 you must recalculate your maximum price for this item. This recalculation is allowed only on your first purchase of this item after June 9, 1943.

This amendment shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9045; Filed, June 3, 1943; 5:19 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 384,¹ Amdt. 1]

SALES BY PROCESSORS OF SALT CODFISH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 384 is amended in the following respects:

1. The first paragraph of the preamble is amended by inserting after the words "that maximum prices be established for" the words "sales by".

2. In the list of section 1 (a) a new item is added to "Cod middles, bulk, large cod middles" to read as follows:

30# box..... .31½

3. In the list of section 1 (a) a new item is added to "Cod middles, bulk, medium cod middles" to read as follows:

30# box..... .30½

4. In the list of section 1 (a) a new item is added to "Cod strips, bulk, large cod strips" to read as follows:

30# box..... .28½

¹ 8 F.R. 364, 6440.

² 8 F.R. 6110.

5. In the list of section 1 (a) a new item is added to "Cod strips, bulk, regular cod strips" to read as follows:

80# box..... 27½

6. Section 1 (c) is added to read as follows:

(c) Every processor, in connection with every first sale of each item of salt codfish made to every wholesaler and retailer after June 9, 1943, shall attach to each carton, case, container or wrapping the following notice:

The Office of Price Administration has authorized us to inform you that if you are a wholesaler or retailer pricing this item under Revised Maximum Price Regulation No. 237 or 238, that under section 23a of Revised Maximum Price Regulation 237 or section 20a of Revised Maximum Price Regulation 238, you must recalculate your maximum price for this item. This recalculation is allowed only on your first purchase of this item after June 9, 1943.

This amendment shall become effective June 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9046; Filed, June 3, 1943;
5:22 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 176, Amdt. 5]

ROTARY CUT SOUTHERN HARDWOOD BOX LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The table in § 1384.12, Appendix A, paragraph (a) is amended to read as follows:

Thickness (inches)	Length	
	Less than 62 inches	62 inches or over
¾	\$58.00	\$60.55
¾	58.00	60.55
¾	57.00	59.50
¾	57.00	59.50
¾	56.00	58.45
¾	56.00	58.45

For cottonwood, add \$3.00 per 1,000 board feet.

This amendment shall be effective as of April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9033; Filed, June 3, 1943;
5:18 p. m.]

*Copies may be obtained from the Office of Price Administration.

† 7 F.R. 5180, 7243, 7454; 8 F.R. 2993, 4720.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amendment 36]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. Section 3.1 (a) (1) (ii) and section 21.1 (a) (12) (ii) are amended by striking the phrase after the word "vegetables" and before the semi-colon which precedes the word "or".

2. Section 3.1 (a) (1) (v) and section 21.1 (a) (12) (v) are revoked.

3. Section 3.2 (f) is added to read as follows:

(f) *Registration of persons who become processors because of additions to the list of processed foods.* A person who becomes a processor because the foods he produces are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R-1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

4. Section 3.8 (c) is amended by inserting, between the second and third sentences, the following sentence: "In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory."

5. Section 4.2 (e) is added to read as follows:

(e) *Registration of persons who become wholesalers because of additions to the list of processed foods.* (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R-1310 covering his operations during the preceding reporting period. He must give all the information called for by the form. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

(2) His maximum allowable inventory for the current reporting period is then determined by multiplying his sales or transfers of each such item during the preceding reporting period by the point value assigned to that item. The resulting figures are added together and the sum is multiplied by the wholesale factor fixed for the current reporting period by

the Office of Price Administration in a supplement to this order.

6. Section 4.9 (b) is amended by inserting, between the second and third sentences, the following sentence: "In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory."

7. Section 4.10 is added to read as follows:

SEC. 4.10 *Inventory adjustments because of additions to the list of processed foods.* (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory is adjusted in his report for that period in the following way:

(1) The amount of that item which he sold or transferred during the preceding reporting period is multiplied by the point value assigned to that item at the beginning of the current reporting period.

(2) The resulting figure is multiplied by the wholesale factor fixed for the current reporting period in the supplement to this order.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to his report a statement showing:

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

8. Section 5.10 (c) is amended by inserting, between the second and third sentences, the following sentence: "In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory."

9. Section 6.4 (d) is added to read as follows:

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition.

10. Section 6.5 (b) is amended to read as follows:

(b) The report must show his use, during those periods, of each of the following classes of processed foods:

(1) Canned and bottled;

* 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 8179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6137, 6338, 6839.

- (2) Dried and dehydrated;
- (3) Frozen (packed in containers of ten pounds or less);
- (4) Frozen (packed in containers of over ten pounds).

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon and of jellies and preserves.

11. Section 6.6 (e) is amended by changing the date in the last sentence from June 26, 1943 to June 5, 1943.

12. Section 6.6 (g) is added to read as follows:

(g) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on O. P. A. Form R-315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

13. Section 6.7 is amended to read as follows:

SEC. 6.7 *Registration after March 10, 1943—(a) Registration of persons who become industrial users because of changes in the list of processed foods.*

(1) Any person who becomes an industrial user because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) must, if he used those foods in his operations prior to March 1, 1943, register his industrial user establishment by filing OPA Form R-1308 within twenty days after he becomes an industrial user. The registration form must be filed, in person or by mail, with the board for the place where his principal business office is located. He must give all the information called for by the form. However, he must report his inventory of processed foods as of the time he became an industrial user. This registration is treated as an application for an allotment for the allotment period in which he became an industrial user.

(2) Any person who becomes an industrial user because the foods he uses

in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) may, if he began to use those foods in his operations since February 28, 1943, apply for an allotment. The application must be made on OPA Form R-315 to the board for the place where his principal business office is located. The application must show:

- (i) The product the applicant makes;
- (ii) The size of the establishment;
- (iii) The amount invested in it;
- (iv) The market supplied;
- (v) The date on which he started to use the processed foods;
- (vi) His inventory of processed foods;
- (vii) The amount and kinds of foods used since he began operations; and
- (viii) The amount of allotment requested.

The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office). It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(b) *Late registrations.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, unless he shows good cause for his failure to register on time, his allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he registered and he may not receive an allotment for expired allotment periods.

14. Section 6.9 (b) (1) is revoked and the succeeding subparagraphs (2) and (3) are redesignated (1) and (2) respectively.

15. The head-note of section 10.1 is amended to read as follows:

SEC. 10.1 *Processed foods in transit prior to effective date of rationing may be acquired point-free.*

16. Section 10.1 (b) is added to read as follows:

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

17. Section 16.7 (a) (1) is revoked and the succeeding subparagraphs (2), (3), (4), (5) and (6) are redesignated (1), (2), (3), (4), and (5), respectively.

18. Appendix A is amended by deleting the phrase "frozen fruits and vege-

tables in containers over ten (10) pounds".

This amendment shall become effective 12:01 A. M., June 6, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

NOTE: All reporting and record keeping requirements of this Amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of June, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9040; Filed, June 3, 1943; 5:16 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 35]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. Section 1.1 (a) (2) is amended to read as follows:

(2) "Canned fish" means any of the following heat-treated items, if packed in hermetically sealed containers: mackerel, oyster, salmon, sardine (including California pilchard), shrimp, tuna (including bonito and yellowtail), and any other edible product containing more than twenty per cent, by weight, of the above.

2. Section 1.1 (a) (3) is amended to read as follows:

(3) "Rationed cheeses" include any natural cheese (but not "cottage cheese" or "creamed cottage cheese" which contains 5 percent or less butterfat by weight) and any other edible product containing 30 percent or more, by weight, of natural cheese (other than cottage cheese, or creamed cottage cheese containing 5 percent or less butterfat by weight).

3. Section 7.6 (j) is added to read as follows:

(j) *Items added to the foods covered by this order.* Except as otherwise provided in paragraph (i) of this section, the point value of an item which an industrial user has in his inventory at the time that item is added (after March 29, 1943) to the foods covered by this order, shall be considered an increase in his allotment for the period in which such addition is made.

*Copies may be obtained from the Office of Price Administration.

¹8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138, 6446, 6614, 6620, 6687, 6840, 6960, 6961.

4. The definition of "Canned fish" in section 24.1 (a) is amended to read as follows:

"Canned fish" means any of the following heat-treated items, if packed in hermetically sealed containers: mackerel, oyster, salmon, sardine (including California pilchard), shrimp, tuna (including bonito and yellowtail), and any other edible product containing more than twenty percent, by weight, of the above.

5. Section 24.1 (a) is amended by inserting, between the definition of "Person" and the definition of "Primary distributor", the following definition:

"Pre-packaged cheese" means "rationed cheese" in an original package of a primary distributor or wholesaler, whether or not that package is contained in any other package.

6. The definition of "Rationed cheeses" in section 24.1 (a) is amended to read as follows:

"Rationed cheeses" means all cheeses of any kind, variety or description (but not including "cottage cheese", or "creamed cottage cheese" containing five percent or less butterfat by weight) and any other edible product containing thirty percent or more, by weight, of such cheeses (other than cottage cheese, or creamed cottage cheese containing five percent or less butterfat by weight).

7. Section 30.1 is revoked.

This amendment shall become effective at 12:01 a. m., June 6, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9037; Filed, June 3, 1943; 5:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 8 to Supp. 1]

MEATS, FATS, FISH AND CHEESES

Section 1407.3027 (a) of Supplement 1 to Ration Order 16 is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 3) (OPA Forms R-1313, 1611 and 1612) which are made a part hereof:¹

This amendment shall become effective at 12:01 a. m., June 6, 1943.

¹ 8 F.R. 3591, 3714, 4892, 5408, 5758.

² Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729; 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9041; Filed, June 3, 1943; 5:17 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 193, Amdt. 6]

DOMESTIC DISTILLED SPIRITS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 193 is amended by adding § 1420.15 to read as follows:

§ 1420.15 *Appendix C: Reports required from brand owners*—(a) *Brand names in use during March 1942*—(1) *Report of proof and formula*. On or before July 9, 1943, every owner of a brand name used during March 1942 for sales of domestic distilled spirits shall report the proof and formula of the domestic distilled spirits sold thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If a brand name was used during March 1942 for sales of more than one proof and formula of domestic distilled spirits, the brand owner shall make a separate report for each such proof and formula.

(2) *Forms for brand names in use during March 1942*—(i) *Where proof and formula have not been changed*. If the brand name is one which the owner used during March 1942 and the particular proof and formula of domestic distilled spirits is a proof and formula sold thereunder during March 1942, the report shall be on OPA Form 635-232-A as set forth at paragraph (e) of this Section.

(ii) *Where proof and formula have been changed*. If the brand name is one which the owner used during March 1942 but the particular proof or formula of domestic distilled spirits differs in any respect from the proof or formula of the domestic distilled spirits sold thereunder during March 1942, the report shall be on OPA Form 635-232-B as set forth at paragraph (e) of this Section.

(b) *Brand names in use on June 3, 1943 but not in use during March 1942*—(1) *Report of proof and formula*. On or before July 9, 1943, every owner of a brand name not used during March 1942 for sales of domestic distilled spirits, but being used for that purpose on June 3, 1943, shall report the proof and formula of the domestic distilled spirits being sold

thereunder and his maximum prices therefor to the Office of Price Administration, Washington, D. C. If such brand name is being used for sales of more than one proof and formula of domestic distilled spirits, the brand owner shall make a separate report for each such proof and formula.

(2) *Form for brand name not in use during March 1942*. If the brand name is one which the owner did not use during March 1942 the report shall be on OPA Form 635-232-C as set forth at paragraph (e) of this section.

(c) *Brands introduced after June 2, 1943; and changes in proof or formula after June 2, 1943 of brands sold during March 1942*—(1) *Brand introduced after June 2, 1943*. An owner of a brand name who after June 2, 1943, desires:

(i) To sell domestic distilled spirits of any formula under a brand name not theretofore used; or

(ii) To sell domestic distilled spirits of any formula under a brand name not in use either during March 1942 or on June 3, 1943 shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on OPA Form 635-232-C as set forth at paragraph (e) of this section.

(2) *Changes in proof or formula after June 2, 1943 of brand name sold during March 1942*. An owner of a brand name used during March 1942 who after June 2, 1943 desires to sell domestic distilled spirits of a changed proof or formula under such brand name shall file a report with the Office of Price Administration, Washington, D. C. Such report shall be on OPA Form 635-232-B as set forth at paragraph (e) of this section.

(3) *Time within which reports must be filed*. The reports required to be filed under paragraph (c) shall be filed at least 20 days before the brand owner offers for sale, sells or delivers the commodity for which the report is required.

(d) *Explanations and definitions*—(1) *Explanations*. (i) Each report required by this section shall contain the information and be on the form required under the applicable paragraph thereof. Forms for reports are available at Regional and District Offices of the Office of Price Administration, or at its principal office in Washington, D. C. Duplicate copies of reports are not required and a report once properly made need not be repeated.

(ii) The description of formula required by this section shall be as follows:

(a) For whiskey, the following matters applicable thereto, namely, proof, age by percentages, whiskey and neutral spirits content by percentages respectively, and type in accordance with standards of identity set forth in classes thereof under Regulations No. 5 issued by the Federal Alcohol Administration, Relating to Labeling and Advertising of Distilled Spirits, as amended.

(b) For gin, brandy, rum, cordials and liqueurs, and imitations, the proof and type thereof in accordance with standards of identity set forth in the applicable class under Regulations No. 5 issued by the Federal Alcohol Administration, Relating to Labeling and Advertising of Distilled Spirits, as amended. Further, with respect to brandy and rum as state-

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 6006, 8940, 8947, 8948, 10068; 8 F.R. 1632, 2716.

ment of the age thereof; and with respect to cordials and liqueurs a statement of the ingredients thereof.

(c) Where a back label contains the description of the formula as required at (a) and (b), the brand owner may attach a copy of the back label to the report form.

(iii) Neither acceptance by the Office of Price Administration of any report filed under this Section, nor its failure to act thereon shall constitute approval of the maximum prices listed by a brand owner in the report.

(2) *Definitions.* For the purposes of this section:

(i) "Owner of a brand name" or "brand owner" means the person, such as a distiller, rectifier, wholesaler or retailer licensed to use or entitled to exclusive use of the brand name for sales of domestic distilled spirits of a particular proof and formula.

(ii) A brand name shall be deemed "used" during or at a particular time if domestic distilled spirits were then being sold or offered for sale thereunder.

(e) *Sample forms.*

Form Approved
Budget Bureau No. 08-R443

OPA Form 635-232-A

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

REPORT FOR BRAND OF DOMESTIC DISTILLED
SPIRITS

FILED PURSUANT TO §1420.15 OF MAXIMUM
PRICE REGULATION NO. 193

Use this Form only for brand names sold
during March 1942, where no formula or
proof change has been made.

Brand name.....
Brand owner filing report.....
Name of person filing this report.....
Address.....

(Street) (City) (State)
March 1942 formula description (see
§ 1420.15 (d) (1) (ii)).

Copy all data on March 1942 back label,
if any, or paste actual back label hereon.

Maximum price brand owner charged per
case during March 1942 to:

Class of purchaser	Quarts	Fifths	Pints	Half pints	F. o. b. following shipping point
Monopoly States.....					
Open State wholesalers.....					
Retailers.....					
Others (specify).....					

Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Remarks:.....

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that

No. 111—5

the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of ten years' imprisonment, \$10,000 fine, or both to make a false statement or representation to any Department or Agency of the United States.

Signature of brand owner—If a corporation, this form should be signed by an authorized officer of the company

Title.....
Date.....

Form Approved
Budget Bureau No. 98-R444

OPA Form 635-232-B

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

REPORT FOR BRAND OF DOMESTIC DISTILLED
SPIRITS

FILED PURSUANT TO SECTION 1420.15 OF
MAXIMUM PRICE REGULATION NO. 193

Use this Form only if brand name is retained
and formula or proof sold in March 1942
has been changed

Brand Name.....
Brand Owner Filing Report.....
Name of Person Filing This Report.....
Address.....

(Street) (City) (State)
March 1942 formula description (see §
1420.15 (d) (1) (ii)).

Copy all data on March 1942 back label, if
any, or paste actual back label hereon.

Brand owners ceiling prices per case as of
March 1942 were:

Class of purchaser	Quarts	Fifths	Pints	Half pints	F. o. b. following shipping point
Monopoly States.....					
Open State wholesalers.....					
Retailers.....					
Others (specify).....					

Prices should include Federal taxes in effect March 31, 1942 but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

Remarks:.....

New formula description (see § 1420.15 (d)
(1) (ii)).

Copy all data on new back label, if any, or
paste new back label hereon.

Brand owners present or proposed ceiling
prices per case of the new formula are:

Class of purchaser	Quarts	Fifths	Pints	Half pints	F. o. b. following shipping point
Monopoly States.....					
Open State wholesalers.....					
Retailers.....					
Others (specify).....					

Prices should include Federal taxes in effect
March 31, 1942, but should not include State

or local taxes or the Federal tax increase effective November 1, 1942. (Method used to determine maximum prices to be shown on reverse side.)

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic distilled spirits of the new formula to any class of purchaser was made on

(Date)

II. Our new ceilings were determined in the following manner:

1. Under OPA Order No. (If order has been issued).

(If OPA order was issued, Questions III and IV below need not be answered.)

2. By reference to our ceiling prices for sales of a similar brand

3. By reference to a competitor's prices for sales of a brand:

Having the same formula

Having a similar formula

III. To determine ceiling prices in the manner indicated above we used as:

A brand having the same formula

similar

Sold by:.....

(State brand name)
(Name)

Address: (Street) (City) (State)
This brand was considered similar because:

(State reasons)

IV. We wish to submit the following additional information which we consider pertinent to establishment of our maximum prices for the new formula. (Use additional pages if necessary)

.....

CERTIFICATION

I hereby certify and represent to the Office of Price Administration, an agency of the United States, that I am the brand owner named above, or his agent duly authorized to make this certification in his behalf, that the statements and representations herein made are true.

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of ten years' imprisonment, \$10,000 fine, or both, to make a false statement or representation to any Department or Agency of the United States.

Signature of brand owner—If a corporation, this form should be signed by an authorized officer of the company

Title.....
Date.....

Form Approved
Budget Bureau No. 08-R445

OPA Form 635-232-C

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

REPORT FOR BRAND OF DOMESTIC DISTILLED SPIRITS

FILED PURSUANT TO SECTION 1420.15 OF MAXIMUM PRICE REGULATION NO. 193

Use this form only for brand names not sold by brand owner during March 1942

Brand name.....
Brand owner filing report.....
Name of person filing this report.....
Address.....

(Street) (City) (State)

Formula Description (See Sec. 1420.15 (d) (I) (ii))

Copy below all data on proposed back label, if any—or paste actual back label hereon.

BRANCH OWNERS PRESENT OR PROPOSED CEILING PRICES PER CASE

Class of purchaser	Quarts	Fifths	Pints	Half pints	F. o. b. following shipping point
Monopoly States					
Open State wholesalers					
Retailers					
Others (specify)					

Prices should include Federal taxes in effect March 31, 1942, but should not include State or local taxes or the Federal tax increase effective November 1, 1942.

METHOD USED TO DETERMINE MAXIMUM PRICES

I. Our first sale of domestic distilled spirits of the new formula to any class of purchaser was made on _____ (Date)

II. Our new ceilings were determined in the following manner:

1. Under OPA Order No. _____ (if order has been issued). (If OPA order was issued, Question III and IV below need not be answered)

2. By reference to our ceiling prices for sales of a similar brand _____

3. By reference to a competitor's prices for sales of a brand: _____

Having the same formula _____

Having a similar formula _____

III. To determine ceiling prices in the manner indicated above we used as:

A brand having same formula _____ similar (State brand name)

Sold by _____ (Name)

Address _____ (Street) (City) (State)

This brand was considered similar because (State reasons) _____

Notice: Section 35 (a) of the United States Criminal Code makes it a criminal offense, punishable by a maximum of ten years' imprisonment, \$10,000 fine, or both, to make a false statement or representation to any Department or Agency of the United States.

This Amendment shall become effective June 9, 1943.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-9038; Filed, June 3, 1943; 5:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under SR 15 to GMPR]

PERMANENTE METALS CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1606 *Adjustment of maximum prices for 75% ferrosilicon sold by the Permanente Metals Corporation.* (a) On and after May 3, 1943, the Permanente Metals Corporation of Oakland, California may sell and deliver 75% ferrosilicon manufactured at its plant at Permanente, California, and any person may buy and receive such 75% ferrosilicon from the Permanente Metals Corporation at a price not in excess of \$147.94 per gross ton in carload lots, bulk, with freight allowed to destination and with customary allowances for variation in analysis and quantity and for packing and grinding.

(b) This order may be revoked or amended by the Administrator at any time.

(c) This order is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2

This order shall become effective as of May 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9039; Filed, June 3, 1943; 5:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 243 Under § 1499.18 (b) of GMPR]

C. A. BRIGGS COMPANY

Order No. 243 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-1097.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1843 *Denial of adjustment of the maximum prices for 2½-oz. Boston Wafer Rolls manufactured by C. A. Briggs Company, Cambridge, Massachusetts.* (a) The application for adjustment of its maximum prices for the sale of 2½-oz. Boston Wafer Rolls filed by C. A. Briggs Company, Cambridge, Massachusetts on August 3, 1942, is hereby denied.

(b) This Order No. 243 (§ 1499.1843) shall become effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9042; Filed, June 3, 1943; 5:17 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271, Amdt. 1]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 271 is amended in the following respects:

1. Section 9 (c) of Article III is amended to read as follows:

(c) If a country shipper makes a delivered sale of potatoes and onions in less than carlot or less than trucklot quantities to a retailer at the premises of the retailer where sale is to be made to ultimate consumers, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price computed under paragraphs (a) and (b) of this section plus 60 cents per cwt. (in the case of potatoes) and 40 cents per 50 pounds (in the case of onions).

Example: A country shipper at Long Island New York, sells Long Island potatoes (of the 1942 late crop) in April, 1943, through a broker, delivered to the premises of a retailer located in New York City. The shipper turns to Article V, section 24 and finds that his maximum price f. o. b. country shipping point is \$2.45 per cwt. Under paragraph (b) (1) of section 9, he is permitted to add 5 cents per cwt. for selling through a broker and under paragraph (c) of this section 9, he is permitted to add 60 cents per cwt. for selling delivered to the premises of a retailer. In addition, he is permitted to add the transportation cost (15 cents per cwt.) from Long Island to New York City, and 6 cents per cwt. for selling on a delivered basis. Therefore, the maximum price for this delivered sale is \$3.31 per cwt. If the shipper sells on a delivered basis to an intermediate seller and performs the selling functions described in paragraph (b) (3) of section (9), his maximum delivered price is \$2.45 plus 15 cents (freight) plus 14 cents (see (b) (3) of section 9), which results in a maximum price for this sale of \$2.74 per cwt.

2. Table III of section 24, Article V is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

18 F.R. 7017.

TABLE III—EARLY WHITE POTATOES (1943 CROP)¹
 [Maximum price per 100 pounds sacked and loaded]

State	Producing area	Varieties	Maximum price	Period
SOUTH ATLANTIC				
North Carolina ²	All	All	\$2.70	To end of season.
South Carolina ²	All	All	2.80	To end of season.
Georgia ²	All	All	2.80	To end of season.
Florida ²	East and south of Suwanee River	All	3.40	To end of season.
Florida ²	West of Suwanee River	All	2.80	To end of season.
SOUTH CENTRAL				
Tennessee ²	All	All	2.70	To end of season.
Alabama ²	All	All	2.80	To end of season.
Mississippi ²	All	All	2.80	To end of season.
Arkansas ²	All	All	2.70	To end of season.
Louisiana ²	All	All	2.80	To end of season.
Oklahoma ²	All	All	2.70	To end of season.
Texas ²	All	All	2.80	Through June 15.
Texas ²	All	All	2.70	June 16 to end of season.
WEST				
California ²	All	All	2.40	To end of season.
Arizona ²	All	All	2.75	To end of season.
New Mexico ²	All	All	2.70	To end of season.
INTERMEDIATE				
Delaware ²	All	All	2.70	To end of season.
Maryland ²	All	All	2.70	To end of season.
Virginia ²	All	All	2.70	To end of season.
Kentucky ²	All	All	2.70	To end of season.
Missouri ²	All	All	2.55	To end of season.
Kansas ²	All	All	2.55	To end of season.

¹ (a) The maximum prices listed above shall apply only to "Early White Flesh Potatoes" harvested and sold during the 1943 crop year.

(b) When prices are not listed for any state and month for "Early White Flesh Potatoes" the maximum price shall be the maximum price per 100 pounds at any terminal market or other wholesale receiving point for the most closely similar variety of white flesh potatoes in the particular terminal market or other wholesale receiving point where such white flesh potatoes are being offered for sale.

² These prices are subject to the following differential:

(a) For early white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 20¢ per 100 pounds from the maximum price listed.

³ The following differentials for certain grades and sizes shall be applicable to country shippers of white flesh potatoes from these states:

(a) Grade Differentials:

(1) For white potatoes: U. S. Extra No. 1 grade or better, packed in bags, the country shipper may add 10¢ per cwt. to the maximum prices for U. S. No. 1 grade.

(2) For white potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum prices for U. S. No. 1 grade.

(3) For white potatoes of grades lower than 85% U. S. No. 1, U. S. Commercial or better, including ungraded and unclassified white potatoes packed in bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices for U. S. No. 1 grade.

(4) For size D white potatoes, the country shipper shall subtract 30¢ per cwt. from the maximum prices stated above.

(b) Size differentials applicable to all grades:

(1) For white potatoes, 6-ounce minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade.

(2) For white potatoes of 2-inch minimum size of U. S. Size A or combination of both packed in bags, the country shipper may add 10¢ to the maximum price for each grade. Potatoes which are both 2-inch minimum and size A are entitled to only the 10¢ differential.

(c) For white flesh potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 20¢ per 100 pounds from the maximum prices listed.

This amendment shall become effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

JESSE W. TAPP,
Acting Administrator,
War Food Administration.

[F. R. Doc. 43-9031; Filed, June 3, 1943;
5:17 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149, Amdt. 9]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

¹ 7 F.R. 3899, 7173, 8899, 8942, 10103, 10143, 10993; 8 F.R. 1312, 4130, 3942.

has been filed with the Division of the Federal Register.*

Maximum Price Regulation 149 is amended in the following respects:

1. Section 1315.21 is amended to read as follows:

§ 1315.21 *Prohibition against dealing in mechanical rubber goods at prices in excess of the maximum.* On and after May 27, 1942, regardless of the terms of any contract, agreement, lease or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any mechanical rubber goods at a price in excess of the maximum fixed by the regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

2. Section 1315.21a (a) is amended to read as follows:

(a) *Maximum prices for mechanical rubber goods listed in Appendix A.* The maximum price for mechanical rubber goods of the types and kinds listed in

*Copies may be obtained from the Office of Price Administration.

Appendix A, incorporated as § 1315.34 of this regulation, shall be the price determined as follows, less the deduction required by paragraph (e) of this section, wherever applicable:

(1) *List or regularly quoted price.* This subparagraph is applicable to any mechanical rubber good listed in Appendix A, the price of which was stated in the schedule or price list of the manufacturer in effect on October 1, 1941, or the price of which was regularly quoted by the manufacturer in any other manner on that date. The maximum price of any mechanical rubber good covered by this subparagraph which does not contain any synthetic rubber shall be the base price determined in accordance with subdivision (i). The maximum price for any mechanical rubber good covered by this subparagraph which contains any synthetic rubber shall be determined by calculating a base price and subtracting from that base price a differential which reflects the difference between the price of synthetic rubber in effect on October 1, 1941, and the price for that material in effect on June 1, 1943. The base price shall be determined in accordance with subdivision (i) of this subparagraph (1) and the differential shall be determined in accordance with subdivision (ii) of this subparagraph (1). If the price of the synthetic rubber contained in the commodity was the same on October 1, 1941, and June 1, 1943, the base price is the maximum price.

(i) *Base price.* The base price is the first applicable of the following prices:

(a) The price stated in the price list of the manufacturer in effect on October 1, 1941, for mechanical rubber goods of the same class, kind, type, condition and grade less all discounts, allowances, and other deductions from the list price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(b) The price the manufacturer regularly quoted on October 1, 1941, other than through the medium of a price list, for mechanical rubber goods of the same class, kind, type, condition and grade less all discounts, allowances, and other deductions from this price which the manufacturer had in effect for a purchaser of the same class on October 1, 1941.

(ii) *Differential.* The differential which must be subtracted from the base price shall be determined as follows: the manufacturer shall first determine the amount of each type of synthetic rubber required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic rubber in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on June 1, 1943, and the price for that material in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on October 1, 1941. The resulting figure is the differential.

(2) *Formula prices—(i) Applicability.* This subparagraph is applicable to any mechanical rubber goods listed in Appen-

dix A for which the manufacturer did not have a price stated in his schedule or price list in effect on October 1, 1941, or for which he did not regularly quote a price in some other manner on that date.

(ii) *Mechanical rubber goods which are the same as those dealt in by the manufacturer on October 1, 1941, except for the substitution of Buna-S GR-S or butyl GR-I for natural rubber.* This subdivision is applicable to any mechanical rubber good covered by this subparagraph which differs from a mechanical rubber goods for which the manufacturer had a price stated in his price list in effect on October 1, 1941, or for which he regularly quoted a price in any other manner on that date, only by reason of the changes made necessary by the substitution of Buna-S GR-S or butyl GR-I for natural rubber. The maximum price of any mechanical rubber good covered by this subdivision shall be the maximum price established by subparagraph (1) for the mechanical rubber good when made of natural rubber.

(iii) *Mechanical rubber goods not covered by subdivision (ii).* This subdivision is applicable to any mechanical rubber good covered by this subparagraph (2) which is not covered by subdivision (ii). The maximum price of mechanical rubber goods covered by this subdivision shall be the sum total of direct labor and direct materials cost plus a gross margin which the manufacturer would have added to the total direct cost in arriving at a selling price to a purchaser of the same class on October 1, 1941. Direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the commodity by the wage rates in effect to the manufacturer on October 1, 1941. The direct materials cost shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the commodity by the following material prices: (a) For synthetic rubber, the manufacturer shall use the net price for the material in effect to him, or if no price was in effect to him, the net price for the material in effect to a purchaser of the same class on June 1, 1943. (b) For all other materials, the manufacturer shall use the net materials prices in effect to him, or if no price was in effect to him, the net materials price in effect to a purchaser of the same class on October 1, 1941. The gross margin shall be calculated by the methods and rates used by the manufacturer on October 1, 1941, which shall be the methods and rates filed in accordance with the provisions of paragraph (a) of § 1315.28. If the manufacture of a mechanical rubber good requires the use of materials, labor or equipment the October 1, 1941, price of which is not ascertainable the cost of such items to be used in determining the maximum price shall be the first ascertainable price after October 1, 1941.

3. Section 1315.21a (b) is amended by adding a head-note thereto to read as follows: "*Maximum prices for mechanical rubber goods listed in Appendix B.*"

4. Section 1315.21a (c) is revoked.

5. Section 1315.21a (d) is redesignated § 1315.21a (c).

6. Section 1315.21a (e) is redesignated § 1315.21a (d).

7. Section 1315.21a (f) is redesignated § 1315.21a (e).

8. Section 1315.21b is redesignated § 1315.21c.

9. A new § 1315.21b is added to read as follows:

§ 1315.21b *Maximum wholesalers' prices for mechanical rubber goods—*
(a) *Applicability of this section.* This section is applicable to sales by wholesalers (as defined in paragraph (a) (10) of § 1315.31) of mechanical rubber goods, except neoprene hose for which provision is made in Appendix D § 1315.37), packing, gaskets and automotive parts.

(b) *Maximum prices—*(1) *How the wholesaler calculates the maximum price.* The maximum price for a sale by a wholesaler of any mechanical rubber goods covered by this section shall be determined by multiplying the percentage determined in accordance with subparagraph (2) by:

(i) The wholesaler's net invoiced cost of the commodity, if available, not to exceed the applicable maximum price; or

(ii) If actual cost is not available, the net invoiced cost of the commodity as estimated by the wholesaler's supplier: *Provided*, That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price.

(2) *How the wholesaler determines the percentage which must be used in determining the maximum price.* The percentage which the wholesaler must use in determining the maximum price shall be determined as follows:

(i) The wholesaler shall first determine what mechanical rubber goods he must use in determining the percentage. That mechanical rubber goods shall be the first applicable of the following mechanical rubber goods which he offered for sale on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B:

(a) The mechanical rubber good which is the same as the mechanical rubber good being priced.

(b) The mechanical rubber good which has the same use as the mechanical rubber good being priced. If there is more than one mechanical rubber good which has the same use as the mechanical rubber good being priced, the wholesaler shall use that one of those mechanical rubber goods whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(c) The mechanical rubber good whose purchase price is nearest to the purchase price of the mechanical rubber good being priced.

(ii) The wholesaler shall then determine the price at which on October 1, 1941, in the case of mechanical rubber goods listed in Appendix A, and on January 5, 1942, in the case of mechanical rubber goods listed in Appendix B, he was offering to sell that mechanical rubber

good to a purchaser of the same class.

(iii) The wholesaler shall then determine the percentage by dividing this selling price by the price in effect to him on the date on which he established that selling price.

(c) *Maximum wholesalers' prices for mechanical rubber goods that cannot be priced in accordance with paragraph (b).* The maximum wholesalers' price for any mechanical rubber good covered by this section which cannot be priced in accordance with the provisions of paragraph (b) shall be a price in line with the level of maximum prices established by this regulation, determined by the wholesaler after specific authorization from the Office of Price Administration. A wholesaler seeking such authorization shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(1) A description of the mechanical rubber good in question;

(2) The price at which he purchased that mechanical rubber good;

(3) His proposed pricing method; and

(4) A statement of the reasons why he believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this report the Office of Price Administration will in writing establish a maximum price for some or all of the mechanical rubber goods sold by the wholesaler which cannot be priced in accordance with the automatic pricing provisions of this section.

10. Section 1315.22a is added to read as follows:

§ 1315.22a *Terms and conditions of sale.* (a) No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of the transportation costs incurred in the delivery of mechanical rubber goods, than the seller required purchasers of the same class to pay during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, on deliveries of the same or similar types of commodities.

(b) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B, the seller required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the seller had in effect for extension of credit involving the same amount and term, during October, 1941, in the case of mechanical rubber goods listed in Appendix A, and during January, 1942, in the case of mechanical rubber goods listed in Appendix B.

11. Section 1315.25a is revoked.

12. Section 1315.31 (a) (10) is added to read as follows:

(10) "Wholesaler" means a person, other than a manufacturer, who sells mechanical rubber goods to resellers of mechanical rubber goods or to industrial or commercial users, the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, any school, hospital, library, or any agency of any of the foregoing.

13. Section 1315.32 is amended to read as follows:

§ 1315.32 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1315.32a, the provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

14. Section 1315.32a is added to read as follows:

§ 1315.32a *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling mechanical rubber goods at wholesale. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation.

15. Section 1315.36 is amended by inserting in the list of items, in the appropriate places for the items to appear in alphabetical order, the following items: "Bonded abrasive products covered by Maximum Price Regulation No. 316" and "Mechanical rubber goods covered by Maximum Price Regulation No. 403."

16. Section 1315.37 is amended by amending Table I-D to read as follows:

28 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962.

TABLE I-D.—DIFFERENTIALS TO BE USED IN DETERMINING THE MAXIMUM PRICE OF NEOPRENE HOSE

Type of hose	Size (inches)	Braid	Ply	Unit of sale	List price ¹	Differential
Fuel-oil and gasoline hose (not service station pump).	1	3		Foot	\$0.69	\$0.12
	1 1/4	3		Foot	.83	.14
	1 1/2	3		Foot	1.03	.17
Air and air tool hose, Grade 1 (molded-braided type).	1 1/2	2		100 ft.	31.30	5.97
	2	3		100 ft.	35.80	9.38
	2 1/2	3		100 ft.	40.20	10.61
	3	3		100 ft.	46.85	12.28
	3 1/2	3		100 ft.	54.20	14.10
	4	3		100 ft.	74.55	22.14
	1 1/4	3		100 ft.	92.60	27.51
Air and air-tool hose, Grade 1 (wrapped type).	1 1/2		4	Foot	.28	.08
	2		4	Foot	.51	.14
	2 1/2		5	Foot	.71	.15
	3		5	Foot	.97	.20
	3 1/2		6	Foot	1.26	.27
	4		6	Foot	1.56	.33
Oil-suction and discharge hose (2-wire-Rough bore, regular).	4			Foot	9.35	.70
	6			Foot	15.00	1.35
	8			Foot	19.45	1.67
	10			Foot	24.60	2.11
Oil-suction and discharge hose (2-wire-Rough bore, heavy).	4			Foot	11.55	.86
	6			Foot	16.60	1.49
	8			Foot	20.90	1.79
	10			Foot	28.00	2.40
Oil-suction and discharge hose (2-wire-Smooth bore).	4			Foot	11.55	.58
	6			Foot	16.60	.72
	8			Foot	20.90	1.02
	10			Foot	28.00	1.37
	12			Foot	34.50	1.68
Creamery hose (either braided or wrapped).	1 1/2			Foot	2.44	1.03
	2			Foot	2.53	1.03
	2 1/2			Foot	2.74	1.04
Hydraulic control and industrial grease hose (wire braid).	1 1/4	2		100 ft.	44.80	2.38
	1 1/2	2		100 ft.	48.85	2.60
	2	2		100 ft.	51.00	3.58
	2 1/2	2		100 ft.	65.00	4.74
	3	2		100 ft.	90.55	8.37
	1	2		100 ft.	116.00	10.72
Spray hose, paint—Fluid line and air line.	1 1/4	1		100 ft.	16.00	2.33
	1 1/2	2		100 ft.	17.20	2.52
	2	1		100 ft.	17.00	2.46
	2 1/2	2		100 ft.	18.00	2.61
	3	1		100 ft.	19.30	2.79
	3 1/2	2		100 ft.	21.10	3.07
	4	2		100 ft.	29.50	4.75
	5	2		100 ft.	36.00	5.79
	6	2		100 ft.	42.00	6.77
Tank car and tank truck hose (hard type or soft type).	1 1/2			Foot	1.03	.17
	2			Foot	1.35	.22
	2 1/2			Foot	2.08	.26
	3			Foot	2.61	.28
	4			Foot	3.75	.40

¹ With the exception of oil suction and discharge hose (smooth bore), these list prices are based on list prices in effect on October 1, 1941, for hose with a natural rubber tube and cover. The list prices for oil suction and discharge hose (smooth bore) are based on the list prices in effect on October 1, 1941, for hose with a synthetic tube and natural rubber cover.

If all the list prices a manufacturer had in effect on October 1, 1941, for corresponding types of hose differ from the list prices contained in Table I-D, such manufacturer, in determining his maximum price for neoprene hose, shall substitute his list prices in effect on October 1, 1941, for the list prices contained in the table.

² If the manufacturer's list prices on October 1, 1941, were different from those contained in Table I-D for creamery hose, he shall use his own list prices in effect on October 1, 1941, and the differential shown in Table I-D.

³ The differential for creamery hose is for a neoprene cover only.

This amendment shall become effective June 17, 1943.

NOTE: All report and record keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9043; Filed, June 3, 1943; 5:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 9]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 220 is amended in the following respects:

1. Section 1315.1553 (a) is amended to read as follows:

(a) The maximum price for a sale by a manufacturer of any rubber commodity which is the same as a commodity which was delivered or offered for delivery in March, 1942, by the manufacturer, shall be the highest price charged by the manufacturer during March, 1942, (as defined in paragraph (a) (1) of § 1315.1564) for the commodity less the deductions required by paragraphs (b) and (c) of this section, wherever applicable.

2. Section 1315.1553 (c) is added to read as follows:

(c) If a rubber commodity priced under this section contains synthetic or substitute rubber or balata, the manufacturer shall deduct from the maximum price determined in accordance with the provisions of paragraphs (a) and (b) of this section a differential to be calculated as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the particular synthetic or substitute rubber or balata in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on June 1, 1943, and the price for that material in effect to the manufacturer, or if no price was in effect to the manufacturer, the price in effect to a purchaser of the same class on March 31, 1942. The resulting figure is the differential.

3. Section 1315.1555 is amended to read as follows:

§ 1315.1555 *First pricing method: minor changes.* The maximum price of

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4130, 3942, 5809, 6043.

any commodity differing from a commodity delivered or offered for delivery by the manufacturer during March, 1942, only by reason of minor changes in material, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability shall be the maximum price (determined in accordance with § 1315.1553) of the commodity delivered or offered for delivery during that period. The substitution of buna-S GR-S or butyl GR-I for natural rubber will be deemed to be a minor change.

4. Section 1315.1557 (a) (1) (ii) is amended to read as follows:

(ii) *Materials prices.* (a) The price of any materials, other than synthetic or substitute rubber or balata, used in the calculation of materials costs shall be the highest price for the material in effect to the manufacturer, or, if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class as the manufacturer during March, 1942, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class during March, 1942, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after March 31, 1942, or the maximum price set by the Office of Price Administration, whichever is the lower. For the purposes of this subdivision (ii) if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, the price as stated by the seller will be deemed to be not in excess of the maximum price established by the Office of Price Administration for that material.

(b) The price of any synthetic or substitute rubber or balata used in the calculation of materials costs shall be determined in accordance with the provisions of inferior subdivision (a) above except that the date, June 1, 1943, shall be substituted for the dates, March, 1942, and March 31, 1942.

5. Section 1315.1560a is revoked.

This amendment shall become effective June 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9044; Filed, June 3, 1943;
5:16 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 403]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

In the judgment of the Price Administrator the maximum prices established

by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of Maximum Price Regulations 157, 149, 220 and the General Maximum Price Regulation to the particular circumstances of sellers of the commodities covered by this regulation. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1315.18 *Maximum prices for certain rubber commodities purchased for governmental use.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 403 (Certain Rubber Commodities Purchased for Governmental Use), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.18 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 403—CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

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Article I—Scope and Prohibitions of the Regulation

SECTION 1 *To what commodities, persons and geographical area this regula-*

* Copies may be obtained from the Office of Price Administration.

tion applies—(a) *To what commodities this regulation applies.* This regulation applies to the commodities listed in Appendix A, incorporated as section 20 of this regulation, when they are made in whole or in part of rubber and are sold pursuant to a war order. "War order" means:

(1) Any contract or purchase order for material or equipment to be delivered to or for the account of any agency of the United States, including any independent regulatory commission or board, any executive department, independent establishment, commission, board, bureau, division, agency, administration, service, or office of the Executive branch of the Federal Government. Except as provided in subparagraph (3), the term does not include any contract or purchase order for material or equipment to be delivered, (i) to or for the account of any Federal Government owned or controlled corporation which is not operated by the Federal Government, or (ii) to or for the account of any post exchange, ship's store, commissary, officers' mess, officers', non-commissioned officers' or enlisted men's club, or any similar agency or organization.

(2) Any contract or purchase order placed by any agency of the United States for material or equipment to be delivered to, or for the account of, any foreign country under the provisions of the Lend-Lease Act.

(3) Any contract or purchase order for material or equipment required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (1) and (2) of this paragraph (a).

(b) *Secret and developmental contracts—*(1) *Secret contracts.* Neither this regulation nor any other regulation issued by the Office of Price Administration shall apply to sales or deliveries of any commodity made under a contract or subcontract that is officially classified as "secret" and certified as such to the Office of Price Administration by the United States, or any agency thereof. Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying Government agency and the seller shall notify the Office of Price Administration whenever such contract or subcontract ceases to be secret, and thereafter this exception shall not apply.

(2) *Developmental contracts.* If the seller files a report pursuant to subparagraph (3), sales and deliveries by him of any commodity covered by this regulation and manufactured pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States or any agency thereof as being developmental shall not be subject to the provisions of this or any other regulation issued by the Office of Price Administration. For the purposes of this subparagraph, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the

accumulation of sufficient production experience by the manufacturer to permit a fair estimate of the manufacturing costs, or both. If the Office of Price Administration determines after consultation with the appropriate government agency that the period necessary for development has expired, and in writing so notifies such agency and the seller, this regulation shall apply to all subsequent sales and deliveries of such commodity.

(3) *Report for developmental contracts.* Within ten days after entering into any such developmental contract or subcontract the seller shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the commodities which are the subject of the contract, a summary of the terms of the contract or subcontract, including all pricing provisions, and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on June 17, 1943, such report shall be filed prior to July 1, 1943.

(c) *To what persons this regulation applies.* This regulation applies to all persons who sell commodities covered by this regulation. The term "person" includes any individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing.

(d) *Geographical applicability of this regulation.* This regulation applies in the 48 states and the District of Columbia but not in the territories and possessions of the United States.

SEC. 2 *Relationship to other regulations.* Except as provided in section 17, this regulation supersedes the General Maximum Price Regulation,¹ Maximum Price Regulation 149² (Mechanical Rubber Goods), Maximum Price Regulation 157³ (Sales and Fabrication of Textiles, Apparel and Related Items), Maximum Price Regulation 220⁴ (Certain Rubber Commodities) and any other regulation issued by the Office of Price Administration with respect to sales, deliveries or transfers covered by this regulation.

SEC. 3 *Prohibition against dealing in commodities covered by this regulation at prices above the maximum.* (a) On and after June 17, 1943, regardless of the terms of any contract or other obligation (except as provided in paragraph (c) of this section):

(1) No person shall sell or deliver any commodity covered by this regulation at a price higher than the maximum fixed by this regulation.

(2) No person in the course of trade or business shall buy or receive any commodity covered by this regulation at a price higher than the maximum fixed by this regulation. If the purchaser re-

ceives from the seller a written statement that the price does not exceed the maximum price fixed by this regulation, the purchaser shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, solicit or attempt to do any of the acts prohibited by subparagraphs (1) and (2).

(b) The provisions of paragraph (a) of this section shall not be applicable to: (1) the United States or any agency thereof, (2) the Government, or any agency, of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act or (3) any contracting officer of any of the foregoing, and, with respect to purchases made in his official capacity, any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall be deemed to prohibit the fulfillment of any contract entered into before June 17, 1943, for the sale of any commodity which does not contain synthetic rubber, if the maximum price regulation or price schedule which was applicable to the transaction at the time the contract was made permitted deliveries at such price.

SEC. 4 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

Article II—Maximum Prices and Terms of Sale

SEC. 5 *Maximum manufacturers' prices for commodities which are the same as those dealt in by the manufacturer during the period May 1, 1942, to April 30, 1943, inclusive—(a) Applicability of this section.* This section is applicable to any commodity covered by this regulation which is the same as a commodity delivered or offered for delivery by the manufacturer during the period May 1, 1942, to April 30, 1943, inclusive. For the purposes of this section, the commodity being priced shall be deemed to be "the same as a commodity delivered or offered for delivery by the manufacturer during the period May 1, 1942, to April 30, 1943, inclusive,"

(1) if it is identical to a commodity delivered or offered for delivery by the manufacturer during that period, or (2) if it has the same use as a commodity delivered or offered for delivery by the manufacturer during that period and if its factory costs do not differ from the factory costs of that commodity by more than 2%. The manufacturer shall determine the factory costs of both commodities at the same time in accordance with the provisions of paragraph (c) of the next section (section 6).

(b) *Maximum prices.* The maximum manufacturers' price of any commodity covered by this section which does not contain any synthetic or substitute rubber or balata shall be the base price determined in accordance with subparagraph (1). The maximum manufacturers' price of any commodity covered by this section which contains any synthetic or substitute rubber or balata

shall be determined as follows: The manufacturer shall first determine the base price. This base price shall be determined in accordance with subparagraph (1) of this paragraph. The manufacturer shall then determine his maximum price by subtracting from that base price a differential which reflects the difference between the price of synthetic or substitute rubber or balata, in effect on January 1, 1943, and the price for that material in effect on June 1, 1943. This differential shall be determined in accordance with subparagraph (2) of this paragraph.

(1) *Base price.* The base price is the first applicable of the following prices.

(i) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of the same class.

(ii) The highest price at which the manufacturer during April, 1943, delivered, or if no delivery was made, at which he offered to deliver during that month a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(iii) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of the same class.

(iv) The last price at which the manufacturer during the period May 1, 1942, to March 31, 1943, inclusive, delivered, or if no delivery was made, at which he offered to deliver during that period a commodity which is the same as the commodity being priced to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(2) *Differential for synthetic or substitute rubber or balata.* The differential for synthetic or substitute rubber or balata which must be subtracted from the base price shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber or balata required to produce the commodity. The manufacturer will then multiply this amount by the difference between the price of the synthetic or substitute rubber or balata in effect to him January 1, 1943, and the price for that material in effect to him on June 1, 1943. The resulting figure is the differential.

(c) *Conversion of a delivered price to an f. o. b. price.* Where the maximum price determined in accordance with paragraph (b) of this section is a delivered price and the manufacturer wishes to sell the commodity at an f. o. b. price, the f. o. b. price shall be determined by converting the delivered base price, determined in accordance with paragraph (b) (1), to an f. o. b. price. This shall be done as follows:

(1) Where the manufacturer computed the delivered base price by adding actual freight to an f. o. b. price, the

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

² 7 F.R. 3889, 7173, 8699, 8948, 10103, 10143, 10993, 8 F.R. 1312, 4130, 3942.

³ 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 8948, 8 F.R. 3948.

⁴ 7 F.R. 7282, 8936, 8948, 11,111, 8 F.R. 1584, 2667, 4130, 3942, 6043.

f. o. b. price to which he added actual freight shall be used as the f. o. b. base price.

(2) Where the manufacturer did not compute the delivered base price in the manner just set forth, he shall determine the f. o. b. base price as follows: The manufacturer shall first compute the average combined freight rate per hundredweight paid by him for shipments from his factory to all purchasers of the same commodities in an area where the delivered price is identical to the same class of purchasers. The "average combined freight weight per hundredweight" shall be the average rate for the period February 1, to April 30, 1943, inclusive. The manufacturer will then determine the f. o. b. base price by deducting this freight rate from the delivered base price for the commodity in question.

SEC. 6 Maximum manufacturers' prices for commodities which are not the same as those dealt in by the manufacturer during the period May 1, 1942, to April 30, 1943—(a) *Applicability of this section.* This section is applicable to sales by manufacturers of commodities which are not the same (as defined in paragraph (a) of section 5) as a commodity delivered or offered for delivery by the manufacturer during the period May 1, 1942, to April 30, 1943, inclusive.

(b) *How the manufacturer calculates his maximum price.* The maximum price of a commodity covered by this section shall be determined as follows:

(1) The manufacturer shall first determine the factory costs of the commodity being priced in accordance with paragraph (c) of this section.

(2) The manufacturer shall then select the commodity he must use in determining the maximum price of the commodity being priced. The method for selecting this commodity is explained in paragraph (d) of this section.

(3) The manufacturer shall then divide the maximum price of that commodity by its factory costs. The maximum price shall be determined in accordance with section 5 and factory costs shall be determined in accordance with paragraph (c) of this section. The resulting figure is the percentage which must be used in determining the maximum price.

(4) The manufacturer shall then determine the maximum price of the commodity being priced by multiplying its factory costs by this percentage.

(5) Once the manufacturer has determined his maximum price for a commodity under this section, that price is his maximum for the first six months of production, unless the commodity is subsequently modified. If the commodity is modified its factory costs must be recomputed in accordance with the provisions of paragraph (c) of this section. If this recomputation reveals that the factory costs of the modified commodity are below the factory costs of the commodity filed by the manufacturer in accordance with paragraph (c) of this section by more than 2%, the maximum

price of the commodity must be redetermined in accordance with the provisions of this section. If the manufacturer wishes he may redetermine the maximum price of a commodity covered by this section whenever the commodity is modified. In such a case the maximum price shall remain the same until the manufacturer redetermines the maximum price in accordance with the provisions of this section. Whenever the maximum price of a commodity is changed because of a modification of the commodity, the manufacturer shall file the report required by paragraph (e) within ten days after he begins production of the modified commodity. The manufacturer shall indicate on the report that it is being filed for a modified commodity.

(6) If a commodity covered by this section is produced by the manufacturer for a period of six months without being modified, the maximum price of the commodity shall be redetermined according to the provisions of subparagraph (1) to (4), inclusive, except that actual labor hours and actual quantity of materials used in the production of the commodity, adjusted for changes in technique and anticipated volume, shall be substituted for estimated labor hours and estimated quantity of materials used. This adjustment in the maximum price of the commodity shall be made six months after the manufacturer begins production of the commodity. Within ten days after that six-month period has elapsed the manufacturer shall file the report required by paragraph (e), except that he shall indicate that the report is being filed for a recomputation of the maximum price.

(c) *Computation of factory costs.* The factory costs of a commodity shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the commodity by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the commodity by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during April, 1943, adjusted to reflect the actual quantity of waste in the production of the commodity. Factory overhead costs shall be determined in accordance with subparagraph (3) of this paragraph.

(1) *Wage rates.* The wage rates applicable to any commodity shall be the wage rates in effect in the manufacturer's plant on October 3, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor on October 3, 1942, he shall use the wage

rate paid on October 3, 1942, by the nearest employer operating under comparable conditions who employed that class of labor on that date. If after October 3, 1942, and before May 1, 1943, the manufacturer voluntarily or involuntarily granted a wage increase which was approved by the National War Labor Board, the manufacturer shall use that higher wage rate instead of the rate in effect in his plant on October 3, 1942. Also, if the manufacturer's establishment is exempted by the National War Labor Board, he shall use the wage rates in effect in his plant on April 30, 1943. For the purposes of this subparagraph, the wage rates in effect in the manufacturer's plant shall include an allowance for eight hours of overtime a week.

(2) *Materials prices—*(i) *All materials, except natural synthetic or substitute rubber or balata.* This subdivision is applicable to any material, except natural, synthetic or substitute rubber or balata. The price for any material covered by this subdivision shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, during April, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class during April, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after April 30, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(ii) *Natural, synthetic or substitute rubber or balata.* This subdivision is applicable to any natural, synthetic or substitute rubber or balata. The price for such material shall be the highest price for the material in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, on June 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class on June 1, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after June 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(3) *Factory overhead costs.* Factory overhead costs shall be determined by using the methods and rates which were in effect in the manufacturer's plant for the month of April, 1943, for operations similar to those employed in the manufacture of the commodity being priced. It shall include only those costs which the manufacturer during April, 1943, used in calculating factory overhead costs.

(d) *Method of selecting the commodity used in determining the maximum price.* The manufacturer shall use the first applicable of the following com-

modities, which was delivered or offered for delivery by him during the period May 1, 1942, to April 30, 1943, inclusive, in determining the maximum price of the commodity being priced:

(1) The commodity which would be the same as the commodity being priced but for changes in specifications that have taken place since April 30, 1943.

(2) The commodity which has the same use as the commodity being priced. If there is more than one commodity which has the same use as the commodity being priced, the manufacturer shall use that one of those commodities whose factory costs are nearest to the factory costs of the commodity being priced. Factory costs shall be determined in accordance with the provisions of paragraph (c) of this section.

(3) The commodity manufactured by the same processes as the commodity being priced. If there is more than one commodity which is manufactured by the same processes as the commodity being priced, the manufacturer shall use that one of those commodities whose factory costs are nearest to the factory costs of the commodity being priced. Factory costs shall be determined in accordance with the provisions of paragraph (c) of this section.

(4) The commodity whose factory costs are nearest to the factory costs of the commodity being priced. Factory costs shall be determined in accordance with the provisions of paragraph (c) of this section.

(e) *Reports of maximum prices.* Within ten days after a purchaser first agrees to buy a commodity for which a maximum price must be determined under this section, the manufacturer shall file with the Office of Price Administration in Washington, D. C., the information required by the form set forth in Appendix B, incorporated as section 21 of this regulation, on a copy of that form. If the maximum price so reported has not been properly computed, it must be corrected. This correction shall apply retroactively. In any case, the maximum price so reported shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration. If the manufacturer was producing a commodity covered by this section on June 17, 1943, the report required by this paragraph shall be filed on or before July 1, 1943.

SEC. 7 *Maximum prices for sales by sellers other than manufacturers—(a) Applicability of this section.* This section is applicable to sales by sellers other than manufacturers of commodities covered by this regulation.

(b) *Maximum prices—(1) How the seller calculates the maximum price.* The maximum price for a sale by a seller other than a manufacturer of any commodity covered by this section shall be determined by multiplying the percentage determined in accordance with subparagraph (2) by:

(i) The seller's net invoiced cost of the commodity, if available, not to exceed the applicable maximum price; or

(ii) If actual cost is not available, the net invoiced cost of the commodity as estimated by the seller's supplier: *Provided*, That the seller has no reason to believe that the price so estimated exceeds the maximum price.

(2) *How the seller determines the percentage which must be used in determining the maximum price.* The percentage which the seller must use in determining the maximum price shall be determined as follows:

(i) The seller shall first determine what commodity he must use in determining the percentage. That commodity shall be the first applicable of the following commodities which he delivered or offered for delivery during the period, May 1, 1942, to April 30, 1943, inclusive:

(a) The commodity which is the same as the commodity being priced.

(b) The commodity which has the same use as the commodity being priced. If there is more than one commodity which has the same use as the commodity being priced, the seller shall use that one of those commodities, the purchase price of which was closest to the purchase price of the commodity being priced.

(c) The commodity, the purchase price of which was closest to the purchase price of the commodity being priced.

(ii) The seller shall then determine the last price prior to May 1, 1943, and after May 1, 1942, at which he delivered or offered to deliver that commodity to a purchaser of the same class.

(iii) The seller shall then determine the percentage by dividing this price by the last price at which he purchased the commodity selected in accordance with subdivision (i) before May 1, 1943.

SEC. 8. *Maximum prices for commodities which can not be priced under sections 5, 6 or 7—(a) Maximum prices.* The maximum price for a sale by any seller of a commodity which can not be priced under sections 5, 6 or 7 shall be the price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Office of Price Administration.

(b) *Temporary exemption from price control.* A commodity covered by this section shall not be subject to the maximum price provisions of this or any other regulation issued by the Office of Price Administration for the duration of contracts which have been entered into before a maximum price has been determined in accordance with the provisions of the next paragraph or for three months after a purchaser first agrees to buy the commodity, whichever is the shorter period of time.

(c) *Method of establishing a maximum price.* The seller of any commodity covered by this section shall within ten days after the purchaser first agrees to buy the commodity or on July 1, 1943, whichever is the later date, file with the Office of Price Administration in Washington, D. C., an application setting forth:

(1) A description in detail of the commodity for which a maximum price is sought;

(2) A statement of the facts which make it impossible for him to use the methods for determining the maximum price set forth in sections 5, 6 or 7;

(3) His proposed pricing method;

(4) A statement of the reasons why he believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation; and

(5) The person or persons to whom he expects to sell, or with whom he has entered into contracts to sell, the commodity, together with the degree to which such contracts have been completed and the dollar value of the commodities covered by each contract.

After receipt of this application, the Office of Price Administration will establish in writing a maximum price or a method of determining the maximum price for some or all of the commodities, covered by this regulation, sold by the applicant which cannot be priced under sections 5, 6, or 7.

SEC. 9 *Terms and conditions of sale.*

(a) The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) the seller during April, 1943, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the seller had in effect during April, 1943, for extension of credit involving the same amount and term.

(b) If the maximum price established by this regulation is a delivered price, the seller shall not require the purchaser, and the purchaser shall not be permitted, to pay any proportion of the transportation costs. If the maximum price established by this regulation is an f. o. b. price, the seller may require the purchaser to pay transportation costs. In all other cases, no seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity covered by this regulation than the seller required purchasers of the same class to pay on deliveries of the same or similar types of commodities on the date before May 1, 1943, on which he last delivered or offered to deliver the same commodity or the commodity which is used in determining the maximum price of the commodity being priced.

SEC. 10 *Export sales.* The maximum price at which a person may make any export sales of any commodity covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation⁸ or any revisions thereto. When used in this section the phrase "export sales" has the meaning given to it by section 11 (a) of the Second Revised Maximum Export Price Regulation.

⁸ 8 F.R. 4132, 5987.

SEC. 11 Transfers of business or stock in trade. If the business, assets or stock in trade are sold or otherwise transferred after April 30, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

Article III—Miscellaneous

SEC. 12 Applications for adjustment—

(a) Application by a seller—(1) When adjustment may be granted—(i) In general. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price established by this regulation upon the basis of information submitted by the seller or of other information. It may make that adjustment whenever it finds that the maximum price of a commodity is at such a level that (taking into account the costs thereof, the profits position of the seller and the nature of his business) production or supply of the commodity is impeded or threatened.

(ii) Factors which may be considered. The following factors are relevant to the consideration of the adjustment:

(a) Whether, and by what amount, the maximum price is below or above (1) the current manufacturing costs plus packing, crating, wrapping, freight out, installation charges, cash discounts and sales and service commissions paid to independent dealers in the case of a manufacturer and (2) the current price being charged the seller in the case of any other seller.

(b) Whether, and by what amount, the maximum price is above total unit costs.

(c) Whether, and by what amount, the seller's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the seller, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(d) Whether the proposed price is higher than the price prevailing in the industry.

(e) Whether the seller's sales of the commodity represent only a very small part of his total sales.

(f) Whether the seller previously sold the same type of commodity at a price which is below its total unit costs,

(2) How the seller proceeds in applying for an adjustment—(i) In general. An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 696-307 set out in Appendix C, incorporated as section 22 of this regulation. If the seller's total sales of all commodities in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all commodities during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located.

(ii) Application based on proposed wage or salary increase to be authorized by the National War Labor Board. A seller who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(3) Prices for deliveries made pending disposition of the application. A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such arrangement must specifically state to the buyer the following:

(i) The maximum price for the commodity;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the approval of the Office of Price Administration.

(4) Definitions—(i) Normal base period. The term "normal base period"

means the period 1936-1939. If the applicant shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) Over-all profits. The term "over-all profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) Total unit costs. (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the commodity, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, "total unit costs" means the current price the seller is paying for the commodity plus the handling and administrative expense, normally applicable to the handling of the commodity, properly allocable to the supplier's total cost of doing business, but does not include provisions for income or excess profits taxes.

(b) Application by a seller based upon an appropriate decrease of other prices—

(1) When adjustment may be granted. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the

adjustment granted under this paragraph.

(2) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (b) shall contain information indicating that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(3) *How the seller proceeds in applying for an adjustment.* An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales of all commodities for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all commodities during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located.

(c) *Application by a seller under a combination of both paragraphs (a) and (b).* A seller who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such cases, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) No application for adjustment filed under Procedural Regulation No. 6 after June 16, 1943, with respect to commodities covered by this regulation will be granted.

Sec. 13 *Petitions for amendment.* Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Sec. 14 *Records.* To aid in the enforcement of this regulation every seller is required to keep certain records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in two paragraphs as follows:

(a) *Records of sales.* Every seller subject to the provisions of this regulation shall keep for inspection by the Office of Price Administration complete and accurate records of every sale of a commodity covered by this regulation, including:

- (1) The date thereof.
- (2) The name and address of the buyer.
- (3) The quantity of each class, kind, type, condition and grade of commodity sold.
- (4) The price per unit received.
- (b) *Records of the bases on which maximum prices are determined.* Every

manufacturer subject to the provisions of this regulation shall keep for inspection by the Office of Price Administration, in addition to the records required by paragraph (a) of this section, complete and accurate records of the following:

(1) The prices charged by the manufacturer during the period May 1, 1942, to April 30, 1943, for each commodity covered by this regulation.

(2) Labor rates in effect to him on October 3, 1942, and April 30, 1943.

(3) Materials prices and waste and factory overhead rates in effect to him during April, 1943.

(4) Detailed cost estimate sheets and other data showing the calculation of prices of all commodities for which the maximum price must be determined in accordance with the provisions of sections 6 or 8 of this regulation.

Sec. 15 *Reports.* Every manufacturer subject to the provisions of this regulation shall file with the Office of Price Administration, Washington, D. C., on or before July 1, 1943, a report stating the maximum prices established by this regulation for the commodities covered thereby that he was producing on June 17, 1943, the method by which he determined those maximum prices, and the discounts, allowances, and other price differentials in effect therefor during April, 1943.

Sec. 16 *Definitions.* (a) When used in this regulation the term:

(1) "Manufacturer" means any person engaged in the production of a commodity covered by this regulation or anyone who sells a commodity covered by this regulation which has been produced on his account from materials owned by him.

(2) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, retailer, public institution) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale, except that each agency of the United States (for example, the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States) will be deemed to be a purchaser in a class by itself.

(3) "Rubber" means substitute rubber and all forms and types of rubber including synthetic and reclaimed rubber.

(4) "Substitute rubber" means a substance made in whole or part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

(5) "Synthetic rubber" means a material obtained by chemical synthesis,

possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Sec. 17 *Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation selling commodities covered by this regulation at wholesale. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation.

Sec. 18 *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to a commodity covered by this regulation alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

Sec. 19 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

Sec. 20 *Appendix A: Commodities covered by this regulation.* This regulation covers the following commodities and parts or subassemblies of those commodities when they are made in whole or in part of rubber and are sold pursuant to a war order:

(a) The following items of wearing apparel and findings:

(1) Canvas topped rubber footwear, including but not limited to: climbing shoes, gym shoes and jungle boots.

(2) Clothing, rubber or coated fabrics, including but not limited to: foul weather clothing, hat covers, ponchos,

⁸ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

raincoats and rainsuits, slickers and waterproof capes, cloaks, gloves, hats, jackets, leggings, overalls, sleeves and trousers.

(3) Heels and soles.

(4) Waterproof rubber footwear (except that covered by Maximum Price Regulation 132).

(b) The following personnel equipment:

(1) Blankets.

(2) Bags, including but not limited to: clothing, delousing, food, rifle, sleeping and water sterilizing bags.

(3) Diving suits and equipment.

(4) Flying suits.

(5) Gas and oxygen mask parts.

(6) Jungle hammocks and jungle hammock covers.

(7) Life belts.

(8) Life preservers.

(9) Life rafts.

(10) Life saving suits.

(11) Life vests.

(12) Mattresses.

(13) Parachute parts and equipment.

(14) Parts of helmets.

(15) Tents.

(c) The following miscellaneous items and parts:

(1) Airplane de-icers and de-icer hose.

(2) Anti-vesicant or decontamination gloves.

(3) Balloons for weather-radio observations.

(4) Boats, inflatable.

(5) Bullet sealing hose.

(6) Fairings for propellers.

(7) Flotation bags and bladders.

(8) Fuel tanks and cells.

(9) Gas bags.

(10) Inflation tubes.

(11) Jettison tanks.

(12) Landing boats.

(13) Lifebuoys.

(14) Parts of hearing devices and radio head sets.

(15) Pneumatic floats and valves.

(16) Pontons.

(17) Solid and bogie wheels.

(18) Tank treads, blocks and tracks.

(19) Tarpaulins.

SEC. 21 Appendix B: Form for reports of maximum prices determined under section 6.

Form OPA 696-306

Form Approved
Budget Bureau
No. 08-R483

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Rubber Commodities Purchased for
Governmental Use

Report to be filed under paragraph (e) of
section 6

Manufacturer..... Date.....
Address.....
(Street) (City) (State)

1. Purchaser:
2. Description of commodity being priced:
(Include specification number, if any, a sufficient physical description to identify the commodity, and a statement of the type of rubber contained in the article, as defined in paragraph (a) (3) of section 16.)

3. Description of commodity used as a basis for pricing:
4. Reason for choice of this commodity as a basis for pricing: (Explain how the commodity was selected, following the directions in paragraph (d) of section 6.)
5. Factory Costs: Unit used in this calculation (Dozen, pound, yard, etc.)

Items of cost	Article used as a basis for pricing	Article being priced
a. Direct labor.....	\$..... (October 3, 1942, labor rates must be used in these calculations, unless a wage increase has been approved up to April 30, 1943, by the National War Labor Board, in which case such rates shall be used. If your establishment is exempted by the National War Labor Board, use April 30, 1943, labor rates.)	\$.....
b. Direct materials: Rubber.....	\$..... (For natural, synthetic or substitute rubber, or balata, June 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)	\$.....
Other materials:	\$..... (For these materials, April, 1943, prices must be used in your calculations. If there was no April, 1943, price, you must use the first price after April, 1943. If OPA has established lower maximum prices such prices must be used.)	\$.....
c. Waste.....	\$..... (Apply the same methods you would have used in April, 1943, adjusted to reflect the actual quantity of waste. If included under materials costs, do not fill in.)	\$.....
d. Factory overhead.....	\$..... (Factory overhead must be computed in exactly the same manner, using the same elements of costs and the same rates, in effect in your plant during April, 1943, for similar operations.)	\$.....
e. Total factory costs.....	\$.....	\$.....
f. Maximum price.....	\$.....	\$.....
g. Percentage.....	%..... (Find the percentage that must be used in determining the maximum price. This is done by dividing the maximum price of the commodity used as a basis of pricing (f) by its factory costs (e). The factory costs of the article being priced are to be multiplied by this percentage.)	%.....

6. Maximum price of article being priced:
\$.....

7. Method by which factory overhead was computed: (State the method employed, including the rates used and the bases to which the rates were applied.)

Signature of Reporting Officer

Official Title

SEC. 22 Appendix C: Form for application for adjustment.

Form OPA 696-307

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Form Approved
Budget Bureau
No. 08-R484

Application for Adjustment of Maximum
Prices Under Maximum Price Regulation 403

Company Name.....
Address.....
(Street) (City) (State)

NOTE: If any difficulty is experienced in completing this form, it may be taken to the nearest OPA district accountant who will give his assistance in its preparation.

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.
2. Designate and describe the commodity or commodities for which a price increase is requested.
3. Present the following information for each commodity listed in 2 above:

NOTE: If more than one commodity is being reported, present the required information on another sheet.

Dollar volume of unfilled orders.....\$.....

4. Are similar commodities manufactured or sold by competitors?.....
yes or no

If yes, give names and addresses of competitors and their prices for such commodities.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table:

turer submit information only on the applicable items of cost.

(Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a seller other than a manufacturer direct material means the price at which the seller purchased the commodity.)

(Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if possible.)

(If the product covered by the application was not manufactured during April, 1943, the cost data for that month must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price. Under items (f), (g) and (h) include only costs borne by the seller and not billed separately to the buyer.)

	Celling date costs	Current date costs
(a) Direct material	194	194
(b) Direct labor		
(c) Factory overhead		
(d) Selling expense (do not include discounts and commissions deducted under Price Reduction)		
(e) Administrative expense		
(f) Freight out, if any		
(g) Installation expense, if any		
(h) Other expense, specify		
(i) Total cost per unit		

(1) What method is used in allocating factory overhead?

1. Standard ☐ Actual ☐ Other ☐ (Check one)

2. Direct labor cost ☐ Machine hours ☐ Other ☐ (Explain separately if "other" or combination)

(Applicant)

Issued this 3d day of June 1943.

GEORGE J. BURKE,

Acting Administrator.

[F. R. Doc. 43-9029; Filed, June 3, 1943; 5:18 p. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 186, Amdt. 5]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 186 is amended in the following respects:

1. In § 1377.110 (c) Table 2 is amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

(d) Is the price currently charged for the product the same as the maximum price filed with OPA? (yes or no)

(If answer is "No", state date when increased price was first charged.) Date:

(Month) 194

(e) Indicate whether the current maximum price is an established price or a formula price (Check one).

Price used since 194

(Month)

(f) State on a separate sheet the reasons for the need of the requested price increases.

2. Unit Cost Data:

(In presenting unit cost data be sure to include only costs actually incurred. In the case of a seller other than a manufacturer, prepare and file separate reports on this schedule for each commodity that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.)

1. Price Data:

(a) Net Realized Price:

Designation of the commodity

194

Requested price

194

1. (List) (Gross) Price

(Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.)

2. Net Realized Price

3. Net Realized Price at Maximum Discount and/or Commissions

(Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.)

(Month and day)

Percentage amount of commission or discounts

(1) (2) (3) (4)

Dollar value of sales after discounts

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TABLE 2—SHOOK USED IN WESTERN AGRICULTURAL CONTAINERS

Item	Basic price	Group 0 \$2.75	Group 1 \$3.25	Group 2 \$3.75	Group 3 \$4.50	Group 4 \$5.00	Group 5 \$5.50	Group 6 \$6.00	Group 7 \$6.75	Group 8 \$7.25	Group 9 \$8.25	Group 10 \$9.25	Group 11 \$9.75	Group 12 \$10.50	Group 13 \$11.00	Group 14 \$11.50	Group 15 \$12.25	Group 16 \$12.75	Group 17 \$14.75	Group 18 \$16.00	Group 19 \$17.75
Asparagus.....	\$52.75	\$55.50	\$56.00	\$56.50	\$57.25	\$57.75	\$58.25	\$58.75	\$59.50	\$60.00	\$61.00	\$62.00	\$62.50	\$63.25	\$63.75	\$64.25	\$65.00	\$65.50	\$67.50	\$68.75	\$70.50
Cannery:																					
Cases and floor boards, light and heavy.....	51.75	54.50	55.00	55.50	56.25	56.75	57.25	57.75	58.50	59.00	60.00	61.00	61.50	62.25	62.75	63.25	64.00	64.50	66.50	67.75	69.50
Cases and floor boards, medium.....	46.75	49.50	50.00	50.50	51.25	51.75	52.25	52.75	53.50	54.00	55.00	56.00	56.50	57.25	57.75	58.25	59.00	59.50	61.50	62.75	64.50
Trays, 1-piece bottom.....	65.25	68.00	69.00	69.50	70.25	70.75	71.25	71.75	72.50	73.00	74.00	75.00	75.50	76.25	76.75	77.50	78.00	78.50	80.50	81.75	83.50
Trays, 2-piece bottom.....	55.25	58.00	58.50	59.00	59.75	60.25	60.75	61.25	62.00	62.50	63.50	64.50	65.00	65.75	66.25	66.75	67.50	68.00	70.00	71.25	73.00
Citrus:																					
Standard orange.....	49.25	52.00	52.50	53.00	53.75	54.25	54.75	55.25	56.00	56.50	57.50	58.50	59.00	59.75	60.25	60.75	61.50	62.00	64.00	65.25	67.00
Cull grade orange.....	43.25	46.00	46.50	47.00	47.75	48.25	48.75	49.25	50.00	50.50	51.50	52.50	53.00	53.75	54.25	54.75	55.50	56.00	58.00	59.25	61.00
Lemon (4.44).....	46.25	49.00	49.50	50.00	50.75	51.25	51.75	52.25	53.00	53.50	54.50	55.50	56.00	56.75	57.25	57.75	58.50	59.00	61.00	62.25	64.00
Deciduous:																					
Market lugs 5/4.....	42.25	45.00	45.50	46.00	46.75	47.25	47.75	48.25	49.00	49.50	50.50	51.50	52.00	52.75	53.25	53.75	54.50	55.00	57.00	58.25	60.00
Standard lugs 5/4.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Northwest apple (spec. acc. to trf. #1 par. 36).....	48.25	51.00	51.50	52.00	52.75	53.25	53.75	54.25	55.00	55.50	56.50	57.50	58.00	58.75	59.25	59.75	60.50	61.00	63.00	64.25	66.00
Northwest half-apple.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Other apple, artichoke and rhubarb.....	49.25	52.00	52.50	53.00	53.75	54.25	54.75	55.25	56.00	56.50	57.50	58.50	59.00	59.75	60.25	60.75	61.50	62.00	64.00	65.25	67.00
Date, fig, avocado, all other lugs (not specified above) peach, fruit and basket crates and persimmon.....	50.25	53.00	53.50	54.00	54.75	55.25	55.75	56.25	57.00	57.50	58.50	59.50	60.00	60.75	61.25	61.75	62.50	63.00	65.00	66.25	68.00
Twenty-pound pear lug.....	53.25	56.00	56.50	57.00	57.75	58.25	58.75	59.25	60.00	60.50	61.50	62.50	63.00	63.75	64.25	64.75	65.50	66.00	68.00	69.25	71.00
Heavy and special northwest pear (spec. acc. to #75 and #100 in Trf. #1).....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Display lugs (apricots, plums, prunes, peach) Yakima or Wenatchee.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Emperor chests, pear, olive, apricot, and select deciduous.....	53.25	56.00	56.50	57.00	57.75	58.25	58.75	59.25	60.00	60.50	61.50	62.50	63.00	63.75	64.25	64.75	65.50	66.00	68.00	69.25	71.00
Berry.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Standard cherry.....	54.25	57.00	57.50	58.00	58.75	59.25	59.75	60.25	61.00	61.50	62.50	63.50	64.00	64.75	65.25	65.75	66.50	67.00	69.00	70.25	72.00
Dried fruit, carton and raisin.....	51.75	54.50	55.00	55.50	56.25	56.75	57.25	57.75	58.50	59.00	60.00	61.00	61.50	62.25	62.75	63.25	64.00	64.50	66.50	67.75	69.50
Evaporated apples:																					
25-pounds.....	51.75	54.50	55.00	55.50	56.25	56.75	57.25	57.75	58.50	59.00	60.00	61.00	61.50	62.25	62.75	63.25	64.00	64.50	66.50	67.75	69.50
50-pounds.....	54.25	57.00	57.50	58.00	58.75	59.25	59.75	60.25	61.00	61.50	62.50	63.50	64.00	64.75	65.25	65.75	66.50	67.00	69.00	70.25	72.00
Melon:																					
Cantaloupe, selected slats.....	55.25	58.00	58.50	59.00	59.75	60.25	60.75	61.25	62.00	62.50	63.50	64.50	65.00	65.75	66.25	66.75	67.50	68.00	70.00	71.25	73.00
Cantaloupe, not including trialing.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Melon.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
Picking boxes and field crates:																					
Citrus.....	58.25	61.00	61.50	62.00	62.75	63.25	63.75	64.25	65.00	65.50	66.50	67.50	68.00	68.75	69.25	69.75	70.50	71.00	73.00	74.25	76.00
Deciduous, asparagus, cannery, vegetable, and melon field crates.....	55.25	58.00	58.50	59.00	59.75	60.25	60.75	61.25	62.00	62.50	63.50	64.50	65.00	65.75	66.25	66.75	67.50	68.00	70.00	71.25	73.00
Stitched stock: All stitched stock including bottoms and sides.....	54.25	57.00	57.50	58.00	58.75	59.25	59.75	60.25	61.00	61.50	62.50	63.50	64.00	64.75	65.25	65.75	66.50	67.00	69.00	70.25	72.00
Sweat boxes.....	74.25	77.00	77.50	78.00	78.75	79.25	79.75	80.25	81.00	81.50	82.50	83.50	84.00	84.75	85.25	85.75	86.50	87.00	89.00	90.25	92.00
Trays:																					
2' x 3', sides and ends only.....	64.25	67.00	67.50	68.00	68.75	69.25	69.75	70.25	71.00	71.50	72.50	73.50	74.00	74.75	75.25	75.75	76.50	77.00	79.00	80.25	82.00
2' x 3', 24" bottoms only.....	64.25	67.00	67.50	68.00	68.75	69.25	69.75	70.25	71.00	71.50	72.50	73.50	74.00	74.75	75.25	75.75	76.50	77.00	79.00	80.25	82.00
2' x 3', over 24" bottoms only.....	74.25	77.00	77.50	78.00	78.75	79.25	79.75	80.25	81.00	81.50	82.50	83.50	84.00	84.75	85.25	85.75	86.50	87.00	89.00	90.25	92.00
Trays 6', 7' and 8' field and dehydrator.....	74.25	77.00	77.50	78.00	78.75	79.25	79.75	80.25	81.00	81.50	82.50	83.50	84.00	84.75	85.25	85.75	86.50	87.00	89.00	90.25	92.00
Vegetable:																					
Octagonal potato.....	55.25	58.00	58.50	59.00	59.75	60.25	60.75	61.25	62.00	62.50	63.50	64.50	65.00	65.75	66.25	66.75	67.50	68.00	70.00	71.25	73.00
Celery.....	51.25	54.00	54.50	55.00	55.75	56.25	56.75	57.25	58.00	58.50	59.50	60.50	61.00	61.75	62.25	62.75	63.50	64.00	66.00	67.25	69.00
All other vegetable.....	49.25	52.00	52.50	53.00	53.75	54.25	54.75	55.25	56.00	56.50	57.50	58.50	59.00	59.75	60.25	60.75	61.50	62.00	64.00	65.25	67.00
Car strips—Dry:																					
4' pine.....	36.25	39.46	40.04	40.62	41.50	42.08	42.67	43.25	44.12	44.71	45.87	47.04	47.62	48.50	49.08	49.67	50.54	51.12	53.46	54.91	56.96
8' pine.....	45.25	48.46	49.04	49.62	50.50	51.08	51.67	52.25	53.12	53.71	54.87	56.04	56.62	57.50	58.08	58.67	59.54	60.12	62.46	63.91	65.96
4' celery pine.....	47.25	50.46	51.04	51.62	53.50	53.08	53.67	54.25	55.12	55.71	56.87	58.04	58.62	59.50	60.08	60.67	61.54	62.12	64.46	65.91	67.96
8' celery pine.....	49.25	52.46	53.04	53.62	54.50	55.08	55.67	56.25	57.12	57.71	58.87	60.04	60.62	61.50	62.08	62.67	63.54	64.12	66.46	67.91	69.96
Car strip—Green:																					
4' pine.....	36.25	40.37	41.13	41.87	43.00	43.75	44.50	45.25	46.37	47.13	48.63	50.13	50.87	52.00	52.75	53.50	54.63	55.37	58.37	60.25	62.87
8' pine.....	45.25	49.37	50.13	50.87	52.00	52.75	53.50	54.25	55.37	56.13	57.63	59.13	59.87	61.00	61.75	62.50	63.63	64.37	67.37	69.25	71.87
4' celery pine.....	47.25	51.37	52.13	52.87	54.00	54.75	55.50	56.25	57.37	58.13	59.63	61.13	61.87	63.00	63.75	64.50	65.63	66.37	69.37	71.25	73.87
8' celery pine.....	49.25	53.37	54.13	54.87	56.00	56.75	57.50	58.25	59.37	60.13	61.63	63.13	63.87	65.00	65.75	66.50	67.63	68.37	71.37	73.25	75.87
Industrial crating strips: Cut to exact dimensions specified bundled in lengths not to exceed 84" for not more than 50 percent over 60".....	48.25	51.00	51.50	52.00	52.75	53.25	53.75	54.25	55.00	55.50	56.50	57.50	58.00	58.75	59.25	59.75	60.50	61.00	63.00	64.25	66.00
Bracing:																					
Standard thickness.....	41.75	45.75	46.50	47.25	48.50	49.25	50.00	50.75	51.75	52.50	54.00	55.50	56.25	57.50	58.25	59.00	60.00	60.75	63.75	65.75	68.25
Bulkhead.....																					

2. In § 1377.110 (c) Table 3 is amended to read as follows:

TABLE 3—COVERS FOR WESTERN AGRICULTURAL CONTAINERS

Description	Cheats	Trf. No.	Basic price	Group 0	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Group 8	Group 9	Group 10	Group 11	Group 12	Group 13	Group 14	Group 15	Group 16	Group 17	Group 18	Group 19
(1) 5-Slat lug.....	5/16	102	\$2.30	\$2.40	\$2.42	\$2.44	\$2.46	\$2.48	\$2.50	\$2.52	\$2.54	\$2.56	\$2.58	\$2.61	\$2.65	\$2.68	\$2.70	\$2.71	\$2.74	\$2.76	\$2.83	\$2.88	\$2.94
(2) 5-Slat lug.....	3/4	104	2.69	2.81	2.83	2.85	2.88	2.91	2.93	2.95	2.98	3.00	3.04	3.09	3.11	3.14	3.16	3.18	3.22	3.24	3.32	3.33	3.45
(3) 5-Slat lug.....	1 1/16	105	2.90	3.03	3.05	3.08	3.11	3.14	3.16	3.18	3.22	3.24	3.29	3.33	3.36	3.39	3.42	3.44	3.48	3.50	3.59	3.65	3.73
(4) 5-Slat lug.....	5/16	106	3.28	3.43	3.46	3.48	3.52	3.55	3.58	3.60	3.64	3.67	3.73	3.78	3.81	3.85	3.87	3.90	3.94	3.97	4.08	4.14	4.24
(5) 2-pe. lug.....	5/16	116	2.69	2.81	2.83	2.85	2.88	2.91	2.93	2.95	2.98	3.00	3.04	3.09	3.11	3.14	3.16	3.18	3.22	3.24	3.32	3.38	3.45
(6) 2-pe. lug.....	3/4	118	3.06	3.20	3.22	3.25	3.29	3.31	3.34	3.36	3.40	3.42	3.47	3.52	3.55	3.59	3.61	3.64	3.67	3.70	3.80	3.86	3.95
(7) 2-pe. lug.....	1 1/16	119	3.28	3.43	3.46	3.48	3.52	3.55	3.58	3.60	3.64	3.67	3.73	3.78	3.81	3.85	3.87	3.90	3.94	3.96	4.08	4.14	4.24
(8) 2-pe. lug.....	5/16	120	3.66	3.83	3.86	3.89	3.93	3.97	4.00	4.03	4.07	4.10	4.16	4.22	4.25	4.30	4.33	4.36	4.41	4.44	4.56	4.64	4.74
(9) lug bottoms.....	5/16	126	3.23	3.38	3.40	3.43	3.47	3.50	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(10) lug bottoms.....	3/4	128	3.61	3.77	3.81	3.83	3.85	3.91	3.94	3.97	4.01	4.05	4.11	4.17	4.19	4.24	4.27	4.30	4.35	4.37	4.49	4.57	4.67
(11) Basket crate.....	5/16	172	2.80	2.92	2.95	2.97	2.99	3.02	3.05	3.07	3.10	3.13	3.17	3.22	3.24	3.27	3.30	3.32	3.35	3.37	3.46	3.52	3.60
(12) Basket crate.....	3/4	176	3.23	3.38	3.40	3.43	3.47	3.50	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(13) 4-Slat peach.....	5/16	168	2.09	2.18	2.19	2.21	2.23	2.25	2.27	2.28	2.31	2.32	2.35	2.39	2.40	2.43	2.44	2.46	2.48	2.50	2.56	2.60	2.65
(14) 4-Slat peach.....	3/4	169	2.30	2.40	2.42	2.44	2.46	2.48	2.50	2.52	2.54	2.56	2.60	2.63	2.65	2.68	2.70	2.71	2.74	2.75	2.82	2.88	2.94
(15) 4-Slat apple-pear.....	5/16	151	2.84	2.97	2.99	3.01	3.05	3.07	3.09	3.12	3.15	3.17	3.22	3.27	3.29	3.32	3.35	3.37	3.40	3.43	3.52	3.58	3.65
(16) 2-Slat apple-pear.....	3/4	155	3.23	3.38	3.40	3.43	3.47	3.50	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(17) Art. bottom.....	5/16	180	3.23	3.38	3.40	3.43	3.47	3.50	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(18) Art. 2-slat top.....	3/4	181	3.28	3.43	3.46	3.48	3.52	3.55	3.58	3.60	3.64	3.67	3.73	3.78	3.81	3.85	3.87	3.90	3.94	3.97	4.08	4.14	4.24
(19) Art. 4-slat top.....	5/16	183	2.84	2.97	2.99	3.01	3.05	3.07	3.09	3.12	3.15	3.17	3.22	3.27	3.29	3.32	3.35	3.37	3.40	3.43	3.52	3.58	3.65
(20) 3-slat honeydew.....	3/4	130	2.63	2.75	2.77	2.79	2.82	2.84	2.86	2.88	2.91	2.93	2.98	3.02	3.04	3.07	3.09	3.11	3.14	3.17	3.25	3.30	3.38
(21) 3-slat honeydew.....	5/16	132	3.01	3.14	3.17	3.19	3.23	3.26	3.28	3.30	3.34	3.37	3.41	3.46	3.49	3.52	3.55	3.57	3.61	3.63	3.73	3.79	3.88
(22) 3-slat honeydew.....	3/4	133	3.23	3.38	3.40	3.43	3.47	3.50	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(23) 3-slat honeydew.....	5/16	134	3.61	3.78	3.81	3.84	3.88	3.91	3.94	3.97	4.02	4.05	4.11	4.17	4.20	4.24	4.27	4.30	4.35	4.38	4.50	4.57	4.68
(24) 50-pound potato.....	3/4	186	2.80	2.92	2.95	2.97	3.00	3.02	3.05	3.07	3.10	3.13	3.17	3.22	3.24	3.27	3.30	3.32	3.35	3.37	3.46	3.52	3.60
(25) Cub. celery top.....	5/16	190	1.92	2.00	2.01	2.03	2.05	2.07	2.08	2.09	2.12	2.13	2.16	2.19	2.20	2.22	2.24	2.25	2.28	2.29	2.35	2.38	2.43
(26) Celery bottom.....	3/4	192	2.20	2.29	2.31	2.33	2.35	2.37	2.39	2.40	2.43	2.45	2.48	2.51	2.53	2.56	2.57	2.59	2.62	2.63	2.70	2.74	2.80
(27) Sturdee 4-slat.....	5/16	196	2.80	2.92	2.95	2.97	3.00	3.02	3.05	3.07	3.10	3.13	3.17	3.22	3.24	3.27	3.30	3.32	3.35	3.38	3.46	3.52	3.60
(28) Sturdee 3-slat.....	3/4	198	3.28	3.37	3.40	3.43	3.47	3.49	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17
(29) 4-slat orange.....	5/16	3.28	3.37	3.40	3.43	3.47	3.49	3.52	3.55	3.59	3.61	3.67	3.72	3.75	3.79	3.81	3.84	3.88	3.91	4.01	4.12	4.17	4.24
(30) 3-slat orange.....	3/4	3.49	3.65	3.68	3.71	3.75	3.78	3.81	3.84	3.88	3.91	3.97	4.03	4.05	4.10	4.13	4.16	4.20	4.23	4.25	4.32	4.42	4.52
(31) 4-Slat lemon.....	5/16	3.87	4.05	4.08	4.11	4.16	4.19	4.23	4.26	4.31	4.34	4.41	4.47	4.50	4.55	4.59	4.62	4.67	4.70	4.73	4.83	4.91	5.02
(32) 3-Slat lemon.....	3/4	4.42	4.63	4.66	4.70	4.76	4.80	4.83	4.87	4.93	4.96	5.04	5.11	5.15	5.21	5.24	5.28	5.34	5.38	5.43	5.52	5.62	5.75
(33) 4-Slat cauliflower.....	5/16	3.28	3.43	3.46	3.48	3.52	3.55	3.58	3.60	3.64	3.67	3.72	3.78	3.81	3.85	3.87	3.90	3.94	3.97	4.08	4.14	4.24	4.37
(34) 3-Slat cauliflower.....	3/4	2.63	2.75	2.77	2.79	2.82	2.84	2.86	2.88	2.91	2.93	2.98	3.02	3.04	3.07	3.09	3.11	3.14	3.17	3.25	3.30	3.37	3.45
(35) 4-Slat 2 3/4 vegetable.....	5/16	3.38	3.53	3.56	3.59	3.63	3.66	3.69	3.72	3.76	3.79	3.84	3.90	3.93	3.97	4.00	4.02	4.07	4.09	4.21	4.28	4.37	4.48
(36) 4-Slat 3 3/4 vegetable.....	3/4	4.26	4.46	4.49	4.53	4.58	4.62	4.66	4.69	4.75	4.78	4.85	4.93	4.96	5.02	5.05	5.09	5.14	5.18	5.32	5.41	5.54	5.68
(37) 3-Slat 4 3/4 vegetable.....	5/16	3.98	4.16	4.20	4.23	4.28	4.32	4.35	4.38	4.43	4.46	4.53	4.60	4.63	4.68	4.72	4.75	4.80	4.84	4.97	5.05	5.17	5.30
(38) Wide center slat vegetable.....	3/4	4.63	4.85	4.89	4.93	4.99	5.03	5.06	5.10	5.16	5.20	5.28	5.36	5.40	5.50	5.54	5.60	5.64	5.79	5.89	6.03	6.18	6.33
(39) Half grate.....	5/16	2.63	2.75	2.77	2.79	2.82	2.84	2.86	2.88	2.91	2.93	2.98	3.02	3.04	3.07	3.09	3.11	3.14	3.17	3.25	3.30	3.37	3.45
(40) 3-Slat dry pack.....	3/4	2.74	2.86	2.88	2.90	2.94	2.96	2.98	3.00	3.04	3.06	3.10	3.15	3.17	3.20	3.22	3.25	3.28	3.30	3.39	3.44	3.52	3.60
(41) Special dry pack.....	5/16	3.55	3.71	3.74	3.77	3.81	3.85	3.87	3.90	3.95	3.98	4.04	4.09	4.13	4.17	4.20	4.23	4.27	4.30	4.42	4.49	4.60	4.74
(42) 5-Slat 2 3/4 vegetable.....	3/4	3.93	4.11	4.14	4.18	4.23	4.26	4.29	4.33	4.37	4.41	4.47	4.54	4.57	4.62	4.66	4.69	4.74	4.77	4.90	4.99	5.10	5.23
(43) 3-Slat 5 1/4 vegetable.....	5/16	4.63	4.85	4.89	4.93	4.99	5.03	5.06	5.10	5.16	5.20	5.28	5.36	5.40	5.50	5.54	5.60	5.64	5.79	5.89	6.03	6.18	6.33

3. Paragraphs (d) to (j), inclusive, of § 1377.110 are redesignated paragraphs (e) to (k) respectively and a new paragraph (d) is added to read as follows:

(d) Additions for use of specified grades of lumber. (1) When the War Production Board releases lumber of grades specified in Table 3A to a manufacturer to be used in the manufacture of agricultural containers, the manufacturer may make application to the Office

of Price Administration for permission to make the additions contained in Table 3A to his maximum prices. The additions may be made only on sales to customers who certify in writing that they will not use the increase in price as a basis for requesting an increase in the price of the commodity which they pack. Permission to make the additions provided for in this paragraph will be granted by letter.

TABLE 3A—ADDITIONS TO MAXIMUM PRICES

Grade	Thickness	Species				
		Ponderosa pine	White fir	Idaho white pine	Sugar pine	Spruce
#2 Shop.....	5/4, 6/4, 7/4.....	\$9.50	-----	\$13.50	\$13.00	-----
	8/4.....	15.50	-----	18.50	18.00	-----
#3 Shop.....	5/4, 6/4, 7/4.....	2.50	-----	4.00	5.50	-----
	8/4.....	3.50	-----	5.00	6.50	-----
#1 Common.....	5/4, 6/4, 7/4, 8/4.....	18.50	\$9.50	22.00	-----	\$12.50
	4/4.....	23.50	-----	33.00	-----	15.50
#2 Common.....	5/4, 6/4, 7/4, 8/4.....	10.50	9.50	17.50	13.50	-----
	4/4.....	14.50	-----	24.50	17.50	-----
#3 Common.....	5/4, 6/4, 7/4, 8/4.....	5.50	3.00	8.00	4.50	5.50
	4/4.....	8.50	-----	11.00	7.50	8.50
#1 Dimension.....	1 1/16.....	1.50	1.50	-----	-----	3.25

The effective date of this amendment shall be June 3, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9035; Filed, June 3, 1943;
5:14 p. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES

[MPR 157¹ Amdt. 8]

SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 157 is amended in the following respects:

- Section 1378.1 (c) (1) (iii) is revoked.
- Section 1378.1 (c) (1) (iv) is redesignated § 1378.1 (c) (1) (iii).
- The new § 1378.1 (c) (1) (iii) is amended to read as follows:

(iii) Wearing apparel, including findings, and other individual, organizational, or ship's personnel equipment made in whole or in part of any of the materials listed in subdivisions (i) and (ii) of this subparagraph (1).

- Section 137

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; 8 F.R. 4681)

Issued this 3d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9032; Filed, June 3, 1943;
5:19 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Subchapter A—Alaska

[Circular 1542]

PART 63—GRAZING

In order to show changes in procedure, due to the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942, of a Branch of Field Examination in the General Land Office, the regulations relating to grazing leases in Alaska, contained in Part 63, are amended as follows: Section 63.4 is amended by deleting the words "Division of Investigations" and substituting therefor the words "Branch of Field Examination." Sections 63.5, 63.19 and 63.20 are amended by deleting the words "special agent in charge" and substituting therefor the words "regional field examiner."

In order to show the changes in procedure authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943, the above-mentioned regulations are amended as follows: Sections 63.6, 63.7, 63.8, 63.9, 63.13 and 63.17 are amended by deleting the word "Secretary" or "Secretary of the Interior" wherever such words occur, and substituting therefor the word "Commissioner." A new section is added as follows:

§ 63.24a *Appeals.* Any party aggrieved by any action of the Commissioner may appeal to the Secretary of the Interior pursuant to the Rules of Practice (43 CFR, Part 221).

FRED W. JOHNSON,
Commissioner.

Approved: May 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8904; Filed, June 1, 1943;
2:37 p. m.]

[Circular 1541]

PART 62—FUR FARMING

In order to show the change in procedure authorized by the Secretary of the Interior by Order No. 1799 of March 19, 1943, the regulations relating to fur farming leases contained in Part 62 of Title 43 of the Code of Federal Regulations are amended as follows: Sections 62.7 and 62.8 are amended by deleting therefrom the word "Secretary" or the words "Secretary of the Interior" and substituting therefor the words "Commissioner of the General Land Office." A new section is added, as follows:

§ 62.10 *Appeals.* Any party aggrieved by any action of the Commissioner may

appeal to the Secretary of the Interior pursuant to the Rules of Practice (43 CFR, Part 221).

In order to show other present procedure, §§ 62.2 and 62.5 are amended by deleting therefrom the words "special agent in charge" and substituting therefor the words "regional field examiner," and § 62.3 is amended by deleting therefrom the words "Division of Investigations" and substituting therefor the words "Branch of Field Examination."

FRED W. JOHNSON,
Commissioner.

Approved: May 26, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8905; Filed, June 1, 1943;
2:38 p. m.]

[Circular No. 1547]

DETERMINATION OF MINERAL OR NONMINERAL CHARACTER OF CERTAIN LANDS

In order that the mineral or nonmineral character of the lands in entries made under the nonmineral public land laws may be determined by this Office prior to the vesting of equitable title to the lands in the claimants by the submission of proof and payment, or otherwise, the pertinent regulations in Chapter I of Title 43 are amended as follows:

Subchapter A—Alaska

PART 65—HOMESTEADS

The first paragraph of § 65.25 is amended to read:

§ 65.25 *Publication and posting.* The register will report promptly to the General Land Office the receipt of the application to enter and the proof testimony. He will take no action thereon and withhold the issuance of notice for publication and posting until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When authorized he will carefully examine the application to enter and the proof testimony and if the required payments have been made, he will allow the application and will issue and transmit to the entryman notice for publication reading as follows:

Final proof testimony on homestead entry embracing -----
has been submitted by -----
entryman, and his witnesses, -----
residing at -----, and -----
residing at -----, and is now in the
files of the district land office at -----
Alaska, and if no protest is filed in the district land office at ----- on or before -----, said final proof will be accepted and final certificate issued.

Subchapter I—Homesteads

PART 166—ORIGINAL, ADDITIONAL, SECOND, AND ADJOINING FARM HOMESTEADS, AUTHORIZED BY THE GENERAL PROVISIONS OF THE HOMESTEAD LAWS

The first paragraph of § 166.49 is amended to read:

§ 166.49 *Publication of proof notice.* The register will report promptly to the General Land Office the receipt of a

notice of intention to make final proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue a notice naming the time and place for submission of proof and cause same to be published at entryman's expense for 30 days preceding submission of proof in the newspaper designated by the register. The publication must be made once a week for five consecutive weeks, in accordance with § 106.18.

Subchapter Q—Reclamation and Irrigation

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

Section 230.48 is amended by inserting between the first and second sentences the following: "The register will report promptly to the General Land Office receipt of a notice of intention to make proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication."

The words "special agent in charge" are deleted from this section and the words "regional field examiner" are substituted therefor.

Section 230.49 is amended by inserting therein, after the word "register" in line four of the text, the following:

* * * will report promptly to the General Land Office receipt of notice of intention to make proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication. The register * * *

PART 232—DESERT-LAND ENTRIES

Section 232.29 is amended by inserting after the section head note and before the first sentence the following:

§ 232.39 *Publication of final proof notice.* The register will report promptly to the General Land Office the receipt of a notice of intention to make desert-land proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and he has been instructed as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication.

PART 233—FLATHEAD IRRIGATION PROJECT, MONTANA

Section 233.19 is amended by inserting between the first and second sentences the following: "The register will report promptly to the General Land Office the receipt of a notice of intention to make desert-land proof and withhold the issuance of notice for publication until the mineral or nonmineral character of

the land has been determined and he has been instructed as to the further action which should be taken. When instructed to do so, the register will issue the usual notice for publication."

The words "special agent in charge" are deleted from this section, wherever they occur and the words "regional field examiner" are substituted therefor.

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

Section 234.12 is amended by adding to the third paragraph just above the first sentence, the following: "The register will report promptly to the General Land Office the receipt of a notice of intention to make final proof and withhold the issuance of notice for publication until the mineral or nonmineral character of the land has been determined and instructions given as to further action which should be taken. When instructed to do so, the register will issue the usual notice for publication."

FRED W. JOHNSON,
Commissioner.

Approved: May 29, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8906; Filed, June 1, 1943;
2:36 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-2013, A-2013, Part II]

DISTRICT BOARD 15

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NUMBERS AND GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of Certain Mines.

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of the Maiwald Mine.

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests, among other matters, the establishment of temporary and permanent price classifications and minimum prices for the coals of the Maiwald Mine, Mine Index No. 1680, of code member Frank Maiwald in Production Group 3 in District No. 15, for truck shipments.

The Maiwald Mine is located in Adair County, Missouri. All other coals produced in Adair County, Missouri, and previously priced for shipment by truck, are presently subject to the temporary minimum prices set forth in the order entered October 29, 1940, granting temporary relief in Docket No. A-58.

In view of the foregoing, it is not deemed advisable to establish permanent price classifications and minimum prices for the coals of the Maiwald Mine for

shipments by truck pending final determination of the related issues raised in Docket No. A-58. However, a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

Now, therefore, it is ordered, That the portion of Docket No. A-2013 relating to the coals of the Maiwald Mine, Mine Index No. 1680, of code member Frank Maiwald be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A-2013, Part II.

It is further ordered, That pending further order, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipments is supplemented to include the price classifications and minimum prices set forth in the schedule marked Temporary Supplement T annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 2, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-9053; Filed, June 4, 1943;
10:39 a. m.]

[Docket No. A-1981]

DISTRICT BOARD 22

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 22 for the establishment of price classifications and minimum prices for the coals of the Carlson Mine for shipment by rail.

An original petition was duly filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail shipment from the Carlson Mine, Mine Index No. 128, of code member G. C. Jeffries (Jeffries Coal Co.), located in Subdistrict 9 of District No. 22.

No petitions of intervention have been filed with the Division in the above-entitled matter.

After due consideration it appears that an adequate showing of necessity has been made for the granting of temporary relief as hereinafter provided. It appears further, however, that the original petition does not allege sufficient facts to justify the establishment of permanent price classifications or minimum prices as requested therein without a hearing.

Petitioner, among other things, requests the establishment of a size group to be designated as Size Group 6-A (3" x 1½" nut) and corresponding mini-

mum prices of \$2.70 per ton for coals of the Carlson Mine for shipment by rail into Market Areas 237 (Idaho) and 240, and \$2.90 per ton for shipment by rail into Market Areas 237 (Wash.), 238, 239 and 247-254. The petition does not contain facts sufficient to warrant the temporary or permanent establishment of the new size group requested without a hearing. It is deemed advisable, however, pending further order of the Director in this matter to temporarily establish, for the coals in Size Group 6, the minimum prices proposed by petitioner for Size Group 6-A for the coals of the Carlson Mine for shipment by rail to the market areas enumerated above, and in addition thereto, differentially related minimum prices for such coals for shipment by rail to all other market areas.

Now, therefore, it is ordered, That, pending further order of the Director, temporary relief be, and the same is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 22 For All Shipments is supplemented to include the price classifications and minimum prices set forth in the schedule marked Supplement R annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

An order scheduling a hearing to adduce facts upon which final relief may be based in this matter will be issued in due course.

Dated: June 2, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-9051; Filed, June 4, 1943;
10:39 a. m.]

[Docket No. A-1998]

DISTRICT BOARD 1

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 1 requesting the establishment of a temporary shipping point for the coals of mine Index Nos. 228 and 3614.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of temporary price classifications, minimum prices, and a temporary shipping point for the coals of Mine Index Nos. 228 and 3614 of Wilks Coal Co. (Thomas Wilks, Jr.); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classification, minimum prices, and other matters set forth in the schedule marked Supplement R, annexed hereto and made a part hereof.

It is further ordered, That the relief herein granted shall be for a period of thirty (30) days from the date of this order, or until the siding to a new dock at Osceola Mills, Pennsylvania, on the Pennsylvania Railroad has been completed, whichever is first, unless it shall otherwise be ordered.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 27, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-9052; Filed, June 4, 1943;
10:39 a. m.]

Bureau of Mines.

LAMB-SCHRADER CO.

ORDER REVOKING LICENSES AND DIRECTING THEIR SURRENDER

To: Lamb-Schrader Co., Tillamook, Oregon.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact:

1. On April 15, 1943, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused was sent to you by registered mail at the above address and was delivered to you on April 23, 1943, giving you notice to mail an answer within 15 days from April 15, answering the charges and requesting a hearing if you wished to be heard on the charges against you.

2. More than 40 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Tillamook, Oregon, does not exceed 8 days. You have failed to answer the charges against you or to request a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations thereunder, I hereby order, That Vendor's License No. 81435 and all other licenses, if any, issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, June 19, 1943;

That prior to midnight, June 19, 1943, you shall sell or otherwise dispose of, to properly licensed persons, all explosives or ingredients thereof owned or possessed by or consigned to you;

That prior to midnight, June 19, 1943, you shall surrender all licenses issued to you and all certified or photographic copies thereof by delivering or mailing them to me at the Interior Department, Washington, D. C., attaching to the licenses a sworn statement showing the amount of each kind of explosives or ingredients on hand at the date of this order, the amount of each kind of explosives or ingredients acquired thereafter and the manner of disposition of all such explosives and ingredients, the names and addresses, and the Federal explosives license numbers and dates of persons to whom disposed of, and the amounts and kinds disposed of to each person and the date of each transaction.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated: May 29, 1943.

R. R. SAYERS,
Director.

[F. R. Doc. 43-9048; Filed, June 4, 1943;
9:39 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

PARKE COUNTY, INDIANA

DESIGNATION OF LOCALITIES FOR LOANS

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III—INDIANA

PARKE COUNTY

Locality I—Consisting of Adams Township	\$7,732
Locality II—Consisting of Florida Township	5,432
Locality III—Consisting of Greene Township	9,497
Locality IV—Consisting of Howard Township	6,001
Locality V—Consisting of Jackson Township	4,785
Locality VI—Consisting of Liberty Township	4,156
Locality VII—Consisting of Penn Township	7,923
Locality VIII—Consisting of Raccoon Township	6,399
Locality IX—Consisting of Reserve Township	7,768

REGION III—INDIANA—Continued

PARKE COUNTY—continued

Locality X—Consisting of Sugar Creek Township	\$4,611
Locality XI—Consisting of Union Township	5,434
Locality XII—Consisting of Wabash Township	7,251
Locality XIII—Consisting of Washington Township	6,251

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved June 2, 1943.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-9026; Filed, June 3, 1943;
4:46 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6520]

THE WESTERN UNION TELEGRAPH COMPANY
AND POSTAL TELEGRAPH-CABLE COMPANY
(NEW YORK)

HEARING ON LIABILITY FOR AND IN CONNECTION WITH THE FURNISHING OF LEASED FACILITIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of June, 1943,

It appearing, That The Western Union Telegraph Company has filed with the Commission a new tariff schedule, effective June 10, 1943, adding a new tariff provision relating to the company's liability for damages arising out of mistakes, omissions, delays, errors, non-delivery, or defects, occurring in the course of, or in connection with, the furnishing of leased facilities, such new schedule being designated as follows: The Western Union Telegraph Company, Tariff F. C. C. No. 219, Second Revised Page 8.

It further appearing, That such tariff provision makes increases in rates and charges, and states regulations and practices effecting increases in rates and charges, for the transmission of telegraph communications in interstate commerce; that such tariff provision provides for a limitation of liability which may be unjust and unreasonable; and it being the opinion of the Commission that the effective date of said tariff schedule, insofar as it relates to the liability of the carrier for damages arising out of mistakes, omissions, delays, errors, non-delivery, or defects, occurring in the course of, or in connection with furnishing of leased facilities, should be postponed pending a hearing and decision thereon;

It further appearing, That The Western Union Telegraph Company, and Postal Telegraph-Cable Company (New York), have on file with the Commission tariff schedules relating to the liability of those companies for interruption of leased facilities; that such tariff schedules provide that certain deductions in the customer's charges are allowed when leased facilities are interrupted for any reason other than the fault of the customer, but limit the companies' liability for interruptions to such deductions even though the interruptions may have been

caused by the companies' own negligence;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the provision relating to the liability of the carrier for damages arising out of mistakes, omissions, delays, errors, non-delivery, or defects, occurring in the course of, or in connection with the furnishing of leased facilities, contained in the above-cited tariff schedule of The Western Union Telegraph Company;

It is further ordered, That the operation of the provision in the above-cited tariff schedule, relating to the Western Union Telegraph Company's liability for damages arising out of mistakes, omissions, delays, errors, non-delivery, or defects, occurring in the course of, or in connection with the furnishing of leased facilities, be suspended; that the use of such provision be deferred until September 10, 1943, unless otherwise ordered by the Commission; and during the said period of suspension no change shall be made in such provision, or in the presently effective tariff schedule of The Western Union Telegraph Company relating to the liability of that company for damages in connection with the furnishing of leased facilities, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the provisions in the tariff schedules of The Western Union Telegraph Company, and of Postal Telegraph-Cable Company (New York), relative to the liability of such companies for interruptions of leased facilities;

It is further ordered, That in the event a decision as to the lawfulness of the provision for liability for damages arising out of mistakes, omissions, delays, errors, non-delivery, or defects occurring in the course of, or in connection with the furnishing of leased facilities contained in the above-cited tariff schedule of The Western Union Telegraph Company, herein suspended, has not been made during the suspension period, and increased charges shall become effective with respect to leased facilities by reason of the tariff suspended herein becoming effective. The Western Union Telegraph Company and all other carriers participating in the furnishing of leased facilities under such liability provision suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts received by each of them by reason of any increase in charges effected thereby; in which account each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That the Western Union Telegraph Company, and each such participating carrier, shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing October 10, 1943, showing the amounts received and accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the offices of the Federal Communications Commis-

sion with said tariff schedule herein suspended in part; that copies hereof be served upon the carrier parties to such tariff, and upon the Postal Telegraph-Cable Company (New York), and that said carriers be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this matter be, and it is hereby, assigned for hearing at 10 o'clock a. m., on the 8th day of July 1943, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-9057; Filed, June 4, 1943;
11:35 a. m.]

[Docket No. 6519]

JAMESTOWN BROADCASTING COMPANY, INC.
(KSJB)

HEARING RE MODIFICATION OF LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of June, 1943;

The Commission having under consideration a petition for hearing, rehearing, or other relief, filed May 4, 1942 by Iowa Broadcasting Company (WMT), Cedar Rapids, Iowa, directed against the action of the Commission April 14, 1942 granting without hearing the application of Jamestown Broadcasting Company, Inc. (KSJB), Jamestown, North Dakota, for modification of license (B4-ML-1115) to change frequency from 1400 kc to 600 kc and power from 250 watts day and night to 100 watts night, 250 watts day, unlimited time, and the answer filed June 25, 1942 by Jamestown Broadcasting Company, Inc. (KSJB);

It is ordered: (a) That the petition for hearing, rehearing, and other relief be, and it is hereby, granted; (b) That the action of the Commission April 14, 1942, granting in part without hearing the application of Jamestown Broadcasting Company, Inc. (KSJB), Jamestown, North Dakota, for modification of license (B4-ML-1115), be, and it is hereby, set aside; and (c) That the application of Jamestown Broadcasting Company, Inc. (KSJB), for modification of license (B4-ML-1115) be, and it is hereby, designated for hearing on the following issues:

1. To determine the extent of the interference which would result to WMT from the simultaneous operation of Station KSJB on 600 kc, with power of either 100 watts or 250 watts night and 250 watts day, and Station WMT operating on 600 kc with 5 kw power, unlimited time.

2. To determine the areas and populations, if any, which may be expected to lose primary service, with particular reference to Station WMT, as a result of the operation of Station KSJB on 600 kc with power of either 100 watts or 250 watts night and 250 watts day, and what other broadcast service is available to these areas and populations.

3. To determine the extent of the interference which would result from the simultaneous operation of Station KSJB on 600 kc, with power of either 100 watts

or 250 watts night and 250 watts day, and Station CFQC, Saskatoon, Saskatchewan. (Appendix II, Table I, NARBA).

4. To determine the areas and populations, if any, which may be expected to gain primary service from the operation of Station KSJB on 600 kc with power of either 100 watts or 250 watts night and 250 watts day, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations, if any, which may be expected to lose primary service from Station KSJB should the station operate on 600 kc with power of either 100 watts or 250 watts night, and 250 watts day, and what other broadcast service is available to these areas and populations.

6. To determine whether in view of the foregoing, public interest, convenience or necessity would be served by the granting of this application.

It is further ordered, That petitioner be, and it is hereby, made a party to the above hearing.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-9056; Filed, June 4, 1943;
11:35 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-21 (a)]

ENRICHED FLOURS AND FARINA AMENDMENTS TO DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amended definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina.

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. 1 (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record herein, the following order be made:

Findings of Fact¹

1. Since the hearings were held upon which were based the findings contained in the order prescribing the present definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina, reports of extensive investigations have become available on the content of nutritive factors in the diets of various income groups and of the population as a whole, and on the daily allowances of various vitamins and minerals needed for adequate nutrition. This new information shows that the consumption of enriched flours complying with the

¹ The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

present requirements will not result in the degree of nutritional improvement expected by nutritionists at the time the prior hearings were held and which consumers are entitled to expect from publicity regarding such products. (Govt. Exs. Nos. 4 to 11, incl., 15, 20; R. pp. 86-147, 165-169, 181-182, 219-221, 247-249, 253-272, 283-286, 304-306, 315-322, 381-387, 389-406)

2. Based upon all available results of investigations into the daily quantities of the various nutritional factors required by man, including clinical investigations of deficiency diseases, it is the consensus of opinion of qualified experts in nutrition that the average per capita daily food supply should contain, in the products actually consumed, the quantities specified for the vitamins and minerals indicated in the table below under "Recommended Daily Allowances." In this table are also given the amounts of the same nutritional factors in the average of the daily per capita food supply purchased for home consumption, as shown by a nation-wide survey in the spring of 1942; they are not adjusted for losses in preparation and cooking or through discarding uneaten portions (see Finding 6). The foods containing the amounts of nutritional factors shown by the figures under "As Purchased" include an average of 0.27 pound flour, bromated flour, and self-rising flour purchased as such or as yeast-raised bread or rolls, some of which was enriched to the present required levels; those under "Present Enrichment" are based on the assumption that all such flours are enriched to the minimum levels of thiamine (vitamin B₁), niacin or niacin amide (nicotinic acid or nicotinic acid amide), riboflavin, and iron required by the present definitions and standards of identity; and those under "Proposed Enrichment" are based on the assumption that all such flours are enriched to the minimum levels prescribed by the proposed amendments to such definitions and standards upon which the hearing was held, including the proposal that calcium be a required ingredient. All amounts shown in the table are expressed as milligrams.

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine.....	1.6	1.76	2.04	2.14
Niacin.....	16.0	15.6	15.9	18.7
Riboflavin.....	2.3	2.08	2.3	2.3
Iron.....	12.0	15.1	15.2	17.1
Calcium.....	900.0	1000.0	1000.0	1061.0

(Govt. Exs. Nos. 10, 12 to 20, incl.; R. pp. 87-92, 111-131, 151-169, 202-224, 252-256, 258-277, 302-321, 380-406)

3. The survey made in the spring of 1942 was preceded by a similar but more comprehensive survey in 1936, when income levels generally were lower than in 1942. The following table, based on the 1936 survey, is directly comparable with the table in finding 2; however, enriched flours and bread were not then available:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine.....	1.6	1.6	2.04	2.15
Niacin.....	16.0	15.0	15.4	18.6
Riboflavin.....	2.3	1.85	2.17	2.17
Iron.....	12.0	14.2	14.7	16.9
Calcium.....	900.0	870.0	870.0	936.0

(Govt. Ex. No. 6; R. pp. 92-110)

4. The average amounts of these nutritional factors in the foods of the low-income groups are less than the average amounts in the foods of the population as a whole, and the low-income groups need a greater supplementation of such nutritional factors. However, flour (including bromated flour) and self-rising flour constitute a larger proportion of the diet of the low-income groups and such flours, if enriched to the levels proposed, will not only tend to satisfy the more urgent needs of such groups, but will be almost as effective in correcting their deficiencies of these factors as in correcting such deficiencies for the average of the population. For example, in the spring of 1942 the average per capita daily flour consumption of such flours by the group with annual family incomes of \$500 to \$1,000 was 0.33 pound, and the following table shows, along with the recommended daily allowances, the amounts of the specified nutrients in the daily per capita food supply, as purchased, when only part of the flours were enriched, when they are enriched to the present minimum levels (including that for riboflavin), and when they are enriched to the proposed minimum levels:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine.....	1.6	1.59	1.97	2.06
Niacin.....	16.0	13.5	14.1	17.3
Riboflavin.....	2.3	1.63	1.91	1.91
Iron.....	12.0	14.5	14.8	17.0
Calcium.....	900.0	940.0	940.0	1027.0

(Govt. Ex. No. 10; R. pp. 117-120, 122, 127-130)

5. The following table, based on the 1936 survey of families in the \$500 to \$1,000 income group, is directly comparable with the table in finding 4:

	Recommended daily allowances	As purchased	Present enrichment	Proposed enrichment
Thiamine.....	1.6	1.42	1.87	1.88
Niacin.....	16.0	12.8	13.3	16.6
Riboflavin.....	2.3	1.64	1.97	1.97
Iron.....	12.0	12.9	13.4	15.6
Calcium.....	900.0	793.0	793.0	868.0

(Govt. Ex. No. 6; R. pp. 105-108)

6. Some of the vitamins and minerals specified in the above tables are lost in preparing and cooking foods and through discarding uneaten portions. In the case of thiamine, an additional loss occurs through baking and toasting. Although the average diet containing no enriched flour supplies somewhat more than the recommended daily allowance

of iron, there is strong evidence from recent clinical observations that nutritional anemia (caused by a deficiency in iron) is more widespread than previously believed. A factor contributing to this situation is the variation in assimilability of the iron naturally present in foods. If all such flours are enriched to the levels proposed, the excesses of thiamine, niacin, and iron over the recommended daily allowances are reasonable factors of safety to insure that the diet of most persons who consume enriched flour will contain adequate quantities of these nutrients. (Govt. Exs. 12, 19; R. pp. 121, 124-127, 130, 162, 167, 168, 169, 203-209, 219-220, 257, 264-265, 268-270, 272, 362-368, 389, 391-400, 404, 647, 761)

7. The surveys, especially that of 1936, show that the calcium content of the food consumed by a large proportion of the population is less than the recommended daily allowance. Although clinical evidence of disease caused by calcium deficiency is not impressive, this may be due to insufficient clinical studies and to the inadequacy of diagnostic methods for relating disease conditions to insufficiency of calcium intake. Deficiency in calcium contributes to osteoporosis, dental caries, and retardation of growth. Nutritionists generally recommend that calcium deficiency be corrected through greater consumption of milk and its products, particularly since this will supply other needed nutritional factors. However, there is no prospect of any early increase in milk production to levels that will furnish adequate calcium for all segments of the population. Flours enriched with calcium would tend to correct the deficiency in the diet of those segments which, because of insufficient milk supplies or for other reasons, do not obtain enough calcium. (Govt. Exs. 6, 7, 10, 11; O.P. Ex. F; R. pp. 190-194, 225-226, 273-277, 324-327, 341-346, 466-469, 497-498, 502-504, 506-516, 593-596, 716-753)

8. In both home baking and commercial baking of white bread calcium may be added through the use of milk and milk products in making the dough or, in certain areas, through the use of water from supplies which are high in calcium. In many commercial bakeries so-called dough improvers, yeast foods, and rope inhibitors containing calcium are used in such quantities that the calcium content of the finished bread prepared with skim milk solids usually exceeds 200 milligrams per pound, and frequently approaches and may exceed 300 milligrams per pound, which is about the minimum that results from baking bread from a dough made of yeast, salt, low-calcium water, and flour containing 500 milligrams of calcium per pound. If such calcium-enriched flour is used with the other calcium-bearing ingredients commonly employed in commercial baking, the calcium content of the finished bread will approximate 600 milligrams per pound, or even 700 milligrams per pounds. (R. pp. 844-845, 849-850, 856-861, 966-968)

9. The use of calcium at these higher levels, in the form of some of its available salts, presents certain technological problems in baking yeast-leavened

bread. Some of these salts affect the gluten of the flour to an extent that causes difficulties in handling the dough and impairment of quality of the finished bread. Some raise the hydrogen-ion concentration and thus increase the possibility of losses from "rope" (spoilage by certain bacteria). Many bakers are familiar with the action of monocalcium phosphate in bread through its use as a yeast food and rope inhibitor; this salt of calcium and dicalcium or tricalcium phosphate, in appropriate mixtures that produce a desirable hydrogen-ion concentration, are the calcium salts most suitable for enriching flour but because of present military needs for large quantities of phosphates there is now available only about one-tenth of the quantity that would be needed for enriched flour, enriched bromated flour, and enriched white bread if calcium is a required ingredient, since all white bread is now required to be enriched by Food Distribution Order No. 1, and a requirement that all family flour be enriched is in prospect. Large bakeries ordinarily use plain flour and add enriching ingredients to the dough, whereas small bakeries may depend largely on the use of enriched flour to make enriched bread. The difficulties involved in using at the higher levels the calcium salts now available are more likely to occur in small bakeries and in home baking than in large bakeries. Technical control such as is generally available only to large bakeries is necessary to the use at the higher levels of those calcium salts that can now be obtained in adequate quantities. It would be unreasonable to require calcium in enriched flour and enriched bromated flour under present conditions because such a requirement would place an undue burden on small bakeries and might also cause difficulties in home baking of yeast-leavened bread. The evidence does not show that the same or comparable burdens or difficulties would be involved in baking the products for which self-rising flour is used. The leavening agent in self-rising flour usually consists of a mixture of sodium bicarbonate and monocalcium phosphate (finding 24, order prescribing definitions and standards of identity for wheat flour and related products, 6 F.R. 2575). There is no evidence that the available supply of monocalcium phosphate is insufficient for this purpose. (R. pp. 71-72, 649-655, 670, 682-683, 849-869, 870-877, 880-883, 889-904, 908, 968, 970-995)

10. The quantity of each of the various vitamins and minerals naturally present in flour varies to some extent, depending on the variety of wheat used, the milling process, and other factors. In the usual mill practice of adding sufficient enriching ingredients to insure compliance with the prescribed minima, the total quantity of any such ingredient does not usually exceed the required minimum by as much as 25 percent, except that in the case of calcium in enriched self-rising flour, some of the leavening ingredients may raise the calcium content to nearly 1500 milligrams per pound. An unnecessarily wide spread between minima and maxima would

likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched flours in supplying those needs. Consumer understanding of the value of enriched flour will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present. (R. pp. 257-258, 613, 617-618, 627-629, 645, 665-667, 677-683, 716-725)

11. The following are reasonable limits, expressed as milligrams per pound, for thiamine, niacin, and iron as required ingredients in enriched flour, enriched bromated flour, and enriched self-rising flour:

	Minimum	Maximum
Thiamine.....	2.0	2.5
Niacin.....	16.0	20.0
Iron.....	13.0	16.5

A reasonable maximum limit for riboflavin as a required ingredient in enriched flour, enriched bromated flour, and enriched self-rising flour is 1.5 milligrams per pound. A reasonable maximum limit for calcium as an optional ingredient in enriched flour and enriched bromated flour is 625 milligrams per pound, and reasonable minimum and maximum limits for calcium as a required ingredient in enriched self-rising flour are, respectively, 500 and 1500 milligrams per pound. (R. pp. 156, 159, 160-161, 218, 267, 269, 270-272, 311, 388, 612, 613, 617-618, 628, 644-645, 665)

12. In addition to its use by adults as a breakfast food, enriched farina is extensively consumed by infants and children and is extensively promoted for their use; their requirements for certain vitamins and minerals differ from the average requirements of the population by reason of factors other than in relation to body weight. The enrichment of farina, therefore, involves considerations different from those involved in the enrichment of flour if the use of enriched farina is to result in the degree of nutritional improvement consumers are entitled to expect from such promotion. (Govt. Ex. 15; O.P. Exs. A, B; R. pp. 184-185, 196, 229-230, 290-296, 534-559, 913-917, 938-939)

13. Despite their smaller weight, infants require about half as much iron as adults and their needs increase with age to a point where older children require more than adults. Both infants and children require at least as much calcium and vitamin D as do adults. They are more likely than adults to need supplemental quantities of iron, calcium, and vitamin D. (Govt. Ex. 15; O.P. Exs. A, B; R. pp. 202-295, 541-547)

14. Depending on their age, infants and children consume from about 12 grams up to about an ounce (28+ grams) of farina daily. In order to insure that infants, at the earliest age at which they consume solid foods, will receive in enriched farina adequate supplies of iron such farina should contain nearly 200 milligrams of iron per pound. As they become older, children consume larger servings of enriched farina, their diet becomes more varied, and a minimum of

24 milligrams of iron per pound in enriched farina will serve as a substantial safeguard against iron deficiency. (R. pp. 293, 536, 541-545, 557-559, 561, 570-571)

15. Although enriched farina is usually served with milk, many infants and children do not consume sufficient milk or other calcium-bearing foods to obtain enough calcium for their nutritional needs. Enrichment of farina with calcium in nutritionally significant quantities presents technical difficulties; farina is granular in form and the added calcium salts, which must be in finely powdered form to avoid grittiness, are likely to settle to the bottom of the packages. Most of the available calcium salts change to hydrogen-ion concentration of the enriched farina and adversely affect its cooking properties. The record shows only one manufacturer who is now enriching farina with calcium. Under his process, which is covered by patent, he adds 2,280 milligrams of calcium per pound of enriched farina. It would not be reasonable to make calcium a required ingredient rather than an optional ingredient of enriched farina, although the enrichment of farina with calcium, to the extent that it is practicable to add quantities which are nutritionally significant, is in the interest of consumers. (O. P. Ex. G; R. pp. 292-295, 541, 580, 593-596, 917-931)

16. Farina enriched with 2,000 milligrams of calcium per pound will supply 125 milligrams in a serving of one ounce and will tend to correct calcium deficiency in infants and children who do not consume enough milk. Because of the practical difficulties inherent in the enrichment of farina with calcium, a minimum of 2,000 milligrams per pound is a reasonable limitation. The evidence gives no basis for establishing a maximum limit for the calcium content of enriched farina. (R. pp. 292, 541, 582, 917-931, 949-951)

17. Although the recommended minimum daily allowance for vitamin D is 400 U.S.P. Units, the daily consumption of one ounce of farina enriched with 3,200 U.S.P. Units of vitamin D per pound is a substantial contribution to the diets of infants and children. Marked rickets will not usually develop in infants receiving 200 units daily. The evidence gives no basis for establishing a maximum limit for the vitamin D content of enriched farina. To be capable of accomplishing the nutritional improvement purchasers are entitled to expect from its promotion for infant use, enriched farina should contain vitamin D as a required ingredient rather than an optional ingredient. (Govt. Ex. 15; 292-294, 949-951)

18. There is no evidence that the nutritional problems with respect to thiamine, niacin, and riboflavin are significantly different in the diet of children and in the diet of the population as a whole. Farina in the diet of children replaces other cereal products, principally bread or enriched bread, wholly or in part. Consumers are entitled to expect the minima for these vitamins in enriched farina to be at least as high as in enriched flour. (R. pp. 293, 538-539, 557-559, 938-939)

19. Finding 10, except its second sentence, is applicable to enriched farina. There is no evidence that the quantity of enriching ingredients, except calcium and possibly iron, cannot be as accurately controlled in enriched farina as is indicated in that finding with respect to enriched flour. However, the differences in nutritional problems involved in enriching farina and flour necessitate a wider spread between minima and maxima in enriched farina (where maxima can be prescribed) than in enriched flour. (See finding 14 with respect to iron.) Because of the varying quantities in which enriched farina is consumed by different age groups, desirable maxima for thiamine, niacin, and riboflavin are twice the minima for these vitamins. (R. pp. 295-296, 915-916, 938-939)

20. The following are reasonable limits for the specified vitamins and minerals in enriched farina:

Required ingredients	Minimum	Maximum
Thiamine.....	2.0 mg. per lb.	4.0 mg. per lb.
Niacin.....	16.0 mg. per lb.	32.0 mg. per lb.
Riboflavin.....	1.2 mg. per lb.	2.4 mg. per lb.
Iron.....	24.0 mg. per lb.	200 mg. per lb.
Vitamin D.....	3200 U. S. P. Units per lb.	

Optional ingredient	Minimum	Maximum
Calcium.....	2000 mg per lb.	

(R. pp. 289-296, 543, 553, 938-939, 949-952)

On the basis of the foregoing findings of fact it is concluded that each of the following amendments to the definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina will promote honesty and fair dealing in the interest of consumers, and such amendments are hereby promulgated:

Section 15.010 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

Section 15.010 is further amended by changing the maximum content of calcium prescribed by paragraph (c) from 2,000 milligrams to 625 milligrams.

Section 15.030 is amended by inserting after "§ 15.010," the words "as amended,".

Section 15.060 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

Section 15.060 is further amended by striking out paragraph (c), and by changing the designations of paragraphs (d), (e), and (f) to (c), (d), and (e), respectively.

Section 15.140 is amended by changing paragraph (a) (1) to read as follows:

(1) It contains in each pound not less than 2.0 milligrams and not more than 4.0 milligrams of thiamine, not less than 1.2 milligrams and not more than 2.4 milligrams of riboflavin, not less than 16.0 milligrams and not more than 32.0 milligrams of niacin or niacin amide, not less than 24.0 milligrams and not more than 200.00 milligrams of iron (Fe), and not less than 3200 U.S.P. units of vitamin D;

Section 15.140 (a) is further amended by striking out subparagraph (2), by changing the designations of subparagraphs (3), (4), (5), and (6) to (2), (3), (4), and (5), respectively, and by changing the minimum content of calcium prescribed by the subparagraph newly designated as "(2)" from 500 milligrams to 2000 milligrams.

Filing of Exceptions

Any interested person whose appearance was filed at the hearing may, within 14 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Washington, D. C., June 4, 1943.

[SEAL]

WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 43-9054; Filed, June 4, 1943; 10:51 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 8, Rev. 25]

AREAS EMBRACING DETROIT, MICHIGAN, AND CLEVELAND, OHIO

SUBSTITUTE SERVICE BY WATER FOR CERTAIN MOTOR VEHICLE TRAILER OPERATIONS

Pursuant to Executive Orders Nos. 8989 and 9156 (6 F.R. 6725, 7 F.R. 3349) and Directive No. 21 issued by the Chairman of the War Production Board (8 F.R. 5834), and to effectuate the provisions of § 501.5 of General Order O.D.T. No. 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660) and of § 501.66 of General Order O.D.T. No. 17, as amended (7 F.R. 5678, 7694, 9623, 8 F.R. 6968); to conserve and providently utilize vital transportation equipment, material and supplies; to provide for the prompt and continuous movement of necessary traffic; to alleviate the present shortage of equipment; and to relieve congestion of traffic, the attainment of which purposes is essential to the prosecution of the war,

and being satisfied that the fulfillment of requirements for defense have resulted, and will continue to result, in a shortage in the supply of material and facilities for defense and for private account, It is hereby ordered, That:

1. General outline. This order provides that, no common or contract carrier of property by motor vehicle shall operate any trailer or semi-trailer, loaded or empty, on the highways between an area comprised of the City of Detroit and a zone extending twenty-five (25) air miles from the boundaries thereof, and an area comprised of the City of Cleveland and a zone extending twenty-five (25) air miles from the boundaries thereof, except as may be authorized by permit issued by the Office of Defense Transportation. It also provides that every such carrier affected by the order, upon direction of the Office of Defense Transportation, shall tender any trailer or semi-trailer, whether loaded or empty, to be operated between such areas, to any authorized common carrier by water operating between such areas, and that every such carrier by water to whom tender is made shall transport such trailers and semi-trailers between such areas.

The purpose of the order is to conserve vital rubber-borne transportation equipment and facilities, and other vital materials and supplies, by utilization of available water service in the movement of such trailers and semi-trailers between the areas described, and thereby to assure conservation and maximum utilization of trailers and tractors, alleviate the present shortage of such equipment, and to relieve congestion of traffic.

2. No common or contract carrier of property by motor vehicle shall operate any trailer or semi-trailer, whether loaded or empty, on the highways between an area comprised of the City of Detroit, Michigan, and a zone extending twenty-five (25) air miles from the boundaries thereof, and an area comprised of the City of Cleveland, Ohio, and a zone extending twenty-five (25) air miles from the boundaries thereof, except as may be authorized by general or special permit issued by the Office of Defense Transportation.

3. Any special permit required by the provisions of paragraph 2 of this order will be issued when—(1) transportation by water, as provided for in paragraph 4 of this order, is not available, or (2) when such trailer or semi-trailer is transporting any shipment under and in compliance with the provisions of Exemption Order ODT 23-2A. Application for permit shall be made to the Office of Defense Transportation at such point or points, and shall provide such information, as the Office of Defense Transportation shall require.

4. Every common or contract carrier by motor vehicle affected by this order, upon direction of, and at such point and time as may be designated by, the Office of Defense Transportation, shall tender any trailer or semi-trailer, whether loaded or empty, intended for movement between the areas described in paragraph 1 of this order, of which such carrier has possession or control, to any authorized carrier operating, or offering to operate, water craft for the transportation of trailers and semi-trailers by

water between such areas, and shall so tender any such trailer or semi-trailer notwithstanding any shipper's instructions or any existing contract, lease or other agreement, express or implied.

5. Every authorized carrier by water to whom tender is made pursuant to the provisions of this order shall accept all trailers or semi-trailers, loaded or empty, so tendered to it and shall transport such trailers and semi-trailers by water between the areas described in paragraph 1 hereof.

6. All records of the carriers pertaining to any transportation affected by this order shall be kept and made available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The provisions of this order shall not be so construed or applied as to require any carrier to whom this order applies to perform any service beyond its transportation capacity or which is not authorized or sanctioned by law. In the event compliance with any provision of this order would conflict with, or would not be authorized under, the existing interstate operating authority of any carrier, such carrier forthwith shall apply to the Interstate Commerce Commission for such operating authority as may be requisite to enable it to comply with the provisions of this order, and shall prosecute such application with all possible diligence.

8. Each of the carriers affected by this order forthwith shall file a copy of this order with the Interstate Commerce Commission and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs, schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to the Interstate Commerce Commission for special permission for such tariffs, schedules, or supplements, to become effective on the shortest notice lawfully permissible.

9. The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

10. Any carrier may make application to the Office of Defense Transportation to be relieved from the provisions of this order when required to meet specific needs or exceptional circumstances, or to prevent undue hardship.

11. The provisions of this order shall not apply in respect of:

(a) Any trailer or semi-trailer when containing shipments for delivery, or while operated for the purpose of collecting shipments, at any point between the areas described in paragraph 1 of this order.

(b) Any trailer or semi-trailer while operated under the direction of the military or naval forces of the United States or State military forces organized pursuant to Section 61 of the National Defense Act, as amended.

(c) Any trailer or semi-trailer while actually transporting exclusively any explosive listed in Part 2 of "Regulations for Transportation of Explosives and

Other Dangerous Articles" (5 F.R. 4905) promulgated and published by the Interstate Commerce Commission by order of August 16, 1940, effective January 7, 1941, in Docket No. 3666, as amended, pursuant to the provisions of Title 18, Section 383, U. S. Code, including explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters or primers, and, in addition, blasting agents and blasting accessories necessary for the use of any said explosives: *Provided, however,* That nothing contained in this subparagraph shall be so construed as to relieve any carrier affected by this order from any rule, regulation or order of the Interstate Commerce Commission or other requirement of law pertaining to the transportation exempted hereby.

12. Unless otherwise directed, communications concerning this Supplementary Order ODT 3, Revised-25 should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., or to one of the local offices thereof at Detroit, Michigan, or Cleveland, Ohio, and should refer to "Supplementary Order ODT 3, Revised-25".

This order shall become effective June 7, 1943, at 8:00 o'clock a. m., e. w. t.

Issued at Washington, D. C., this 4th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-9055; Filed, June 4, 1943;
11:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-693, 7-694]

WARD BAKING COMPANY, ET AL.

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of June, A. D. 1943.

In the matter of applications of The Wheeling Stock Exchange to extend unlisted trading privileges to Ward Baking Company, \$7 cumulative preferred stock, par value \$50; Continental Baking Company, common stock, no par value; File Nos. 7-693, 7-694.

The Wheeling Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the abovementioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, July 15, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or

its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission,

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-9022; Filed, June 3, 1943;
1:01 p. m.]

[File Nos. 70-422, 70-438, 70-539, 70-610,
70-616]

COLUMBIA GAS & ELECTRIC CORP. AND
COLUMBIA OIL & GASOLINE CORP.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of June 1943.

The Commission having, by orders of December 1, 1941, May 23, 1942, and November 3, 1942, respectively (Holding Company Act Release Nos. 3166, 3560 and 3887) issued pursuant to the Public Utility Holding Company Act of 1935, permitted declarations to become effective regarding the disposition by Columbia Gas & Electric Corporation and acquisition by Columbia Oil & Gasoline Corporation, of debentures of the latter company, to the extent of allowing payment by the latter company and receipt by the former of the principal amount of said debentures, but having reserved jurisdiction with respect to the payment of a \$12,000 premium in connection with each such transaction; and

Said companies having informed the Commission that they have consummated the transactions involved in their plan filed pursuant to section 11 (e) of the Act (approved by order of the Commission dated October 2, 1942), involving, among other things, the liquidation of Columbia Oil & Gasoline Corporation by the transfer to Columbia Gas & Electric Corporation of all of its assets remaining after payment of its creditors and the distribution of \$1 per share to its common stockholders, as a consequence of which all questions pertaining to the payment of said premiums have become moot; and

It appearing appropriate under the circumstances to release jurisdiction as to said premium payments,

It is ordered, That the jurisdiction reserved in the orders of December 1, 1941, May 23, 1942, and November 3, 1942, respectively, concerning said premium payments be, and hereby is released.

By the Commission,

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-9063; Filed, June 4, 1943;
11:47 a. m.]

[File Nos. 54-77, 59-36, 70-353]

YORK COUNTY GAS COMPANY, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN FILED AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of June, A. D. 1943.

In the matter of York County Gas Company and Pennsylvania Gas & Electric Corporation; File Nos. 54-77, 59-36; and Pennsylvania Gas & Electric Company and Pennsylvania Gas & Electric Corporation; File No. 70-353.

Notice is hereby given that York County Gas Company, a subsidiary of Pennsylvania Gas & Electric Corporation, a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan, the purpose of which is to effect compliance with the provisions of section 11 (b) (2) of said Act. Pennsylvania Gas & Electric Corporation joins in the aforesaid application and plan in so far as its interests are affected thereby. All interested persons are referred to said applications, which are on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Under the plan, it is proposed that Pennsylvania Gas & Electric Corporation surrender to York County Gas Company for cancellation, without any consideration being paid therefor, all of the common capital stock of York County Gas Company consisting of 120,000 shares of the par value of \$10 per share. After York County Gas Company receives from Pennsylvania Gas & Electric Corporation all of said common capital stock surrendered for cancellation, the 7% Preferred Capital Stock of York County Gas Company will be the sole class of capital stock outstanding and the holders thereof will then be vested with all voting rights and any and all other rights appertaining to the sole class of capital stock of York County Gas Company.

It is then proposed, under the plan, to change and convert all of the authorized and/or outstanding capital stock into a single class of capital stock consisting of 30,000 shares of common stock of the par value of \$20 per share and to issue two shares of said common stock of the par value of \$20 per share in exchange for each share of capital stock previously denominated 7% Preferred Capital Stock.

York County Gas Company will use all of its earned surplus and so much of its capital surplus (arising as a result of the common stock donation and stock reclassification) as may be necessary to make accounting adjustments and to provide a reserve for investments in accordance with good accounting practice.

York County Gas Company has also requested that the Commission rescind the provision of its order dated April 29, 1941 (File No. 70-259) prohibiting the company from declaring or paying any

dividends upon any shares of any class of its capital stock until further order of the Commission.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the plan filed by York County Gas Company and Pennsylvania Gas & Electric Corporation pursuant to section 11 (e), and it further appearing to the Commission that the proceedings in respect of the plan filed by York County Gas Company and Pennsylvania Gas & Electric Corporation pursuant to section 11 (e) of the Act, the proceedings heretofore instituted by the Commission against York County Gas Company and Pennsylvania Gas & Electric Corporation under sections 11 (b) (2), 15 (d), and 15 (f) of the Act and proceedings involving applications and declarations relating to a proposed donation by Pennsylvania Gas & Electric Corporation to York County Gas Company of all of the latter's outstanding common stock, consisting of 120,000 shares of the par value of \$10 each, involve common questions of law and fact and should be consolidated.

It is ordered, That such proceedings be, and the same hereby are, consolidated.

It is further ordered, That hearings on such matters, under the applicable provisions of the Act and rules of the Commission thereunder, be held on the 14th day of June, A. D. 1943, at 10 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That particular attention will be directed at said consolidated hearing to the following matters and questions:

1. Whether, for the purpose of fairly and equitably distributing voting power among security holders of York County Gas Company pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that York County Gas Company shall revise and simplify its stock structure so as to cause the same to consist of common stock only;

2. Whether the claim of Pennsylvania Gas & Electric Corporation to participate in a new common stock of York by reason of its holdings in the present preferred stock should be accorded the same treatment as the claim of other preferred stockholders so to participate;

3. Whether the plan filed by York County Gas Company and Pennsylvania Gas & Electric Corporation pursuant to section 11 (e) of the Act is necessary to effectuate the provisions of section 11 (b) of the Act, and is fair and equitable to persons affected thereby;

4. Whether or not the condition imposed by the Commission by order dated April 29, 1941, prohibiting the declaration or payment of any dividends until further order of the Commission, should be modified;

5. Whether or not the fees and expenses expected to be incurred in connection with the consummation of the proposed transactions are reasonable and whether the proposed allocation of the same by the companies involved is fair and equitable;

6. Whether, and, if so, to what extent, it may be appropriate in the public interest or in the interest of investors and consumers to impose any terms or conditions in connection with the applications or declarations herein if granted or permitted to become effective.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.[F. R. Doc. 43-9064; Filed, June 4, 1943;
11:47 a. m.]

SELECTIVE SERVICE SYSTEM.

[Order 110]

ALLENTOWN STATE HOSPITAL PROJECT, PA.
ESTABLISHMENT FOR CONSCIENTIOUS
OBJECTORS

I. Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C. Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Allentown State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 110. Said project, located at Allentown, Lehigh County, Pennsylvania, will be the base of operations for work at the Allentown State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Allentown State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Allentown State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Allentown State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MAY 31, 1943.

[F. R. Doc. 43-9024; Filed, June 3, 1943;
3:50 p. m.]